DOCUMENT RESUME

ED 148 060 EC 103 368

TITLE	Title I: Neglected and Delinquent and Foster Children Programs. Part 15. Hearing Before the Subcommittee on Elementary, Secondary, and Vocational Education of the Committee on Education and Labor. 95th Congress, First Session on H.R. 15.
INSTITUTION	Congress of the U.S., Washington, D.C. House.
PUB DATE	77
NOTE	76p.; Not available in hard copy due to marginal legibility of original
EDRS PRICE	MF-$0.83 Plus Postage. HC Not Available from EDRS.
DESCRIPTORS	*Delinquents; *Federal Legislation; Federal Programs; *Institutionalized Persons; Institutions; *Neglected Children

ABSTRACT

Presented are testimony and statements given in a hearing (October, 1977) before the subcommitte on Elementary, Secondary, and Vocational Education of the House Committee on Education and Labor, concerning the delinquent and neglected children in State institutions. Statements are included from G. Ahart, Director, Human Resources Division, General Accounting Office; G. Decell, State director, South Carolina Department of Youth Services; and P. Mancini, Division of Education for the Disadvantaged, U.S. Office of Education. Four appendixes are provided including 1977 Interim Regulations, Grants to State Agencies for Programs to Meet the Special Educational Needs of Children in Institutions for the Neglected or Delinquent Children; and a summary of a 1977 evaluation report on Title I in state institutions for the neglected or delinquent. (CL)

****
* Documents acquired by ERIC include many informal unpublished *
* materials not available from other sources. ERIC makes every effort *
* to obtain the best copy available. Nevertheless, items of marginal *
* reproducibility are often encountered and this affects the quality *
* of the microfiche and hardcopy reproductions ERIC makes available *
* via the ERIC Document Reproduction Service (EDRS). EDRS is not *
* responsible for the quality of the original document. Reproductions *
* supplied by EDRS are the best that can be made from the original. *
****

ED148060

PART 15: TITLE I—NEGLECTED AND DELINQUENT AND FOSTER CHILDREN PROGRAMS

BEST COPY AVAILABLE

U S DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY

HEARING

BEFORE THE

SUBCOMMITTEE ON ELEMENTARY, SECONDARY, AND VOCATIONAL EDUCATION

OF THE

COMMITTEE ON EDUCATION AND LABOR

HOUSE OF REPRESENTATIVES

NINETY-FIFTH CONGRESS

FIRST SESSION

ON

H.R. 15

TO EXTEND FOR FIVE YEARS CERTAIN ELEMENTARY, SECONDARY, AND OTHER EDUCATION PROGRAMS

HEARINGS HELD IN WASHINGTON, D.C.
OCTOBER 5, 1977

Printed for the Committee on Education and Labor
CARL D. PERKINS, *Chairman*

EC103368

U.S. GOVERNMENT PRINTING OFFICE
97-889 O WASHINGTON : 1977

97-889 O - 77 - 2

COMMITTEE ON EDUCATION AND LABOR

CARL D. PERKINS, Kentucky, *Chairman*

FRANK THOMPSON, Jr., New Jersey
JOHN H. DENT, Pennsylvania
JOHN BRADEMAS, Indiana
AUGUSTUS F. HAWKINS, California
WILLIAM D. FORD, Michigan
PHILLIP BURTON, California
JOSEPH M. GAYDOS, Pennsylvania
WILLIAM "BILL" CLAY, Missouri
MARIO BIAGGI, New York
IKE ANDREWS, North Carolina
MICHAEL T. BLOUIN, Iowa
ROBERT J. CORNELL, Wisconsin
PAUL SIMON, Illinois
EDWARD P. BEARD, Rhode Island
LEO C. ZEFERETTI, New York
GEORGE MILLER, California
RONALD M. MOTTL, Ohio
MICHAEL G. MYERS, Pennsylvania
AUSTIN J. MURPHY, Pennsylvania
JOSEPH A. LE FANTE, New Jersey
TED WEISS, New York
CEC HEFTEL, Hawaii
BALTASAR CORRADA, Puerto Rico
DALE E. KILDEE, Michigan

ALBERT H. QUIE, Minnesota
JOHN M. ASHBROOK, Ohio
JOHN N. ERLENBORN, Illinois
RONALD A. SARASIN, Connecticut
JOHN BUCHANAN, Alabama
JAMES M. JEFFORDS, Vermont
LARRY PRESSLER, South Dakota
WILLIAM F. GOODLING, Pennsylvania
BUD SHUSTER, Pennsylvania
SHIRLEY N. PETTIS, California
CARL D. PURSELL, Michigan
MICKEY EDWARDS, Oklahoma

SUBCOMMITTEE ON ELEMENTARY, SECONDARY, AND VOCATIONAL EDUCATION

CARL D. PERKINS, Kentucky, *Chairman*

WILLIAM D. FORD, Michigan
IKE ANDREWS, North Carolina
MICHAEL T. BLOUIN, Iowa
PAUL SIMON, Illinois
LEO C. ZEFERETTI, New York
RONALD M. MOTTL, Ohio
AUSTIN J. MURPHY, Pennsylvania
JOSEPH A. LE FANTE, New Jersey
TED WEISS, New York
CEC HEFTEL, Hawaii
BALTASAR CORRADA, Puerto Rico
DALE E. KILDEE, Michigan
GEORGE MILLER, California

ALBERT H. QUIE, Minnesota
JOHN BUCHANAN, Alabama
LARRY PRESSLER, South Dakota
WILLIAM F. GOODLING, Pennsylvania
SHIRLEY N. PETTIS, California
CARL D. PURSELL, Michigan

CONTENTS

Page

Hearing held in Washington, D.C. October 5, 1977 1

Statement of—

Ahart, Gregory, Director, Human Resources Division, General Accounting Office 10

Decell, Grady A., State director, South Carolina Department of Youth Services 30

Mancini, Pat O., program support branch, Division of Education for the Disadvantaged, U.S. Office of Education 9

Prepared statements, letters, supplemental materials, et cetera—

Ahart, Gregory J., Director, Human Resources Division, General Accounting Office, prepared statement 10

Mancini, Pat O., program support branch, Division of Education for the Disadvantaged, Bureau of Elementary and Secondary Education, U.S. Office of Education:

Prepared statement 2

State supported education programs in State institutions 37

Decell, Grady A., State director, South Carolina Department of Youth Services, prepared statement 24

APPENDICES

Appendix 1

Public Law 93-380, Title I ESEA, Section 123, Programs for Neglected or Delinquent Children 40

Appendix 2

Interim Regulations, Grants to State Agencies for Programs to Meet the Special Educational Needs of Children in Institutions for the Neglected or Delinquent Children, from Federal Register, April 12, 1977 41

Appendix 3

Executive Summary, Evaluation Study, "Title I of the Elementary and Secondary Education of 1965 in State Institutions for the Neglected or Delinquent: A National Evaluation, Phase I, October, 1977" 46

Appendix 4

Miscellaneous letters and statements:

Ahitow, Rodney, director, region III, Correctional Education Association, letter to Chairman Perkins, dated October 11, 1977 53

Black, Hartzel L., president, National Correctional Education Association, Vienna Correctional Center, Vienna, Ill., letter to Chairman Perkins, dated October 20, 1977 70

Decell, Grady A., State director, South Carolina Department of Youth Services, letter to Chairman Perkins, dated October 31, 1977 72

Friend, David H., associate director, Correctional Education Project, Education Commission of the States, letter to John F. Jennings, dated November 24, 1975 67

Rowe, Charles J., director, State of Illinois Department of Corrections, letter to Chairman Perkins, dated October 11, 1977 69

Tucci, George L., principal, George Junior Republic School, Grove City Area School District, Grove City, Pa., letter to Subcommittee on Elementary, Secondary, and Vocational Education, with attachments, dated October 10, 1977 55

PART 15: TITLE I—NEGLECTED AND DELINQUENT AND FOSTER CHILDREN PROGRAMS

WEDNESDAY, OCTOBER 5, 1977

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON ELEMENTARY, SECONDARY
AND VOCATIONAL EDUCATION,
COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The subcommittee met, pursuant to notice, at 9:27 a.m., in room 2175, Rayburn House Office Building, the Hon. Carl D. Perkins (chairman) presiding.

Members present: Representatives Perkins and Mottl.

Staff present: John F. Jennings, majority counsel; Christopher Cross, minority senior education consultant; and Nancy L. Kober, staff assistant.

Chairman PERKINS. The committee will come to order. Today, the subcommittee is continuing its hearing on the State agency programs under Title I of the Elementary and Secondary Education Act. The focus of today's hearing will be on the delinquent and neglected children in State institutions.

Since the House will go in session at ten o'clock, I would like all the witnesses to come around, as a panel.

The panel will consist of Mr. Pat O. Mancini, Program Support Branch, Division of Education for the Disadvantaged, U.S. Office of Education; Mr. Gregory Ahart, Director, Human Resources Division, General Accounting Office; and Mr. Grady Decell, State Director, South Carolina Department of Youth Services.

STATEMENTS OF PAT O. MANCINI, PROGRAM SUPPORT BRANCH, DIVISION OF EDUCATION FOR THE DISADVANTAGED, U.S. OFFICE OF EDUCATION; GREGORY AHART, DIRECTOR, HUMAN RESOURCES DIVISION, GENERAL ACCOUNTING OFFICE; AND GRADY DECELL, STATE DIRECTOR, SOUTH CAROLINA DEPARTMENT OF YOUTH SERVICES

Chairman PERKINS. We will hear from you, Mr. Mancini, first. Go ahead and identify yourself for the record, and, without objection, all of the prepared statements will be inserted in the record.

[The prepared statement of Mr. Mancini follows:]

FOR RELEASE UPON DELIVERY

Statement by
Mr. Pat O. Mancini
Program Support Branch
Division of Education for the Disadvantaged
Bureau of Elementary and Secondary Education
U.S. Office of Education
Department of Health, Education, and Welfare
Before the
Subcommittee on Elementary, Secondary, and Vocational Education
Committee on Education and Labor
U.S. House of Representatives
Wednesday, October 5, 1977
9:30 a.m.

Mr. Mancini is accompanied by:

Dr. John Rodriguez, Associate Commissioner for Compensatory Educational Programs, Bureau of Elementary and Secondary Education, U.S. Office of Education, HEW

Dr. Richard Fairley, Director, Division of Education for the Disadvantaged, Bureau of Elementary and Secondary Education, U.S. Office of Education, HEW

Mrs. Genevieve O. Dane, Program Operations Branch Chief, Division of Education for the Disadvantaged, Bureau of Elementary and Secondary Education, U.S. Office of Education, HEW

Mr. Chairman:

It is a pleasure to appear before you today to discuss the status of the educational program provided for neglected or delinquent children in State supported or State operated institutions as well as in local institutions as a part of Title I, ESEA.

The purpose of the State operated portion of the Title I program in institutions is to augment the ongoing educational programs to meet the special educational needs of three populations of children in such institutions: (1) neglected children, or children in the custody of a public agency as a result of a finding of neglect under State law; (2) delinquent children, or children found to be either delinquent or in need of treatment or supervision after being charged with a violation of State law; and (3) children living in adult correctional institutions as a result of a conviction of criminal offense, including persons under 21 years of age.

Approximately 27,000 students were served on a typical day in the fall of 1976 (FY '77) in State operated or State supported institutions. This comprised about 72 percent of the eligible population in institutions for neglected children, 65 percent of the eligible population in juvenile delinquent institutions, and 34 percent of those eligible in adult correctional facilities.

Children are selected for participation on the basis of an educational needs assessment. The types of assessment tools used to diagnose the needs of the institutionalized children vary widely among the institutions. Since no single measure can be used to diagnose adequately the special needs of an individual child, institutions generally utilize combinations of both objective and subjective measures, including standardized tests, teacher-

developed tests, student interest inventories, personality inventories and observations by institutional personnel. The assessment tools measure various factors, including the educational potential, achievement level, vocational interest, and social and emotional status, each of which has an effect upon the overall academic performance of these youth. Those children with the greatest incidence and severity of educational needs are selected for Title I services. In many instances participation in an institutional educational program is voluntary which partially accounts for the low percentage of participation, particularly in the adult correctional facilities.

The conditions and facilities in which Title I educational programs are provided in institutions vary widely. In adult correctional institutions, education may be provided in a refurbished cell, dayroom, or multi-purpose room. In institutions for neglected or delinquent children, education may be provided in a school within the facility similar to a public school, or in an off the grounds public school. Where security is a problem, there are guards either in the classroom, accompanying prisoners, or outside the classroom. Where security is not a problem, students are free to walk to school classes from their cottages or cells.

The majority of institutional facilities for neglected or delinquent children have special, well ventilated and lighted buildings in which children may attend school; however, in institutions for adult offenders, such facilities are rare.

The teaching staff in institutions also varies. Institutions for neglected or delinquent children, for the most part have well trained staff, while adult correctional institutions generally have some trained staff, but rely heavily on aides or in some situations "inmate teachers".

The location of the institutions also plays a role in staff employment. Those which are isolated have difficulty in recruiting staff, whereas those nearer to metropolitan areas have less trouble.

The needs assessment process has revealed that over 50 percent of the institutionalized delinquent population have severe reading problems and 34 percent of this population are functionally illiterate. The neglected children also have major problems in the basic skills, but at a somewhat lower level of severity. Accordingly, approximately 70 percent of the Title I expenditures in State institutions are devoted to basic skills instruction including, reading, language arts, and mathematics. Because many of the youth, particularly in institutions for delinquent, will not continue their formal education beyond the State's mandatory attendance age, vocationally related instruction is an important part of education in corrections. Vocationally related programs can serve to ease the adjustment of the youth back into the community by providing them with the skills to obtain and hold a job. On the other hand, exposure to vocationally related programs can be utilized to emphasize the affective domain. Through such programs student interest often can be developed in a manner which motivates the youth to learn the abstract concepts necessary to mastery of the vocational skill.

Services such as guidance and counseling, psychological services, and motivational activities are also provided in support of the Title I institutional activities, in all types of institutions.

The types of activities and classroom procedures used to implement each Title I institutional program are based upon the particular needs and grade levels of the participants as well as the specific goals adopted by

the institutions. However, some of the most common approaches to meeting student needs--in terms of both academic achievement and behavioral attitudes--include individualized or small group instruction, use of performance objectives, and motivational activities.

Individualized instruction provides students with immediate and positive feedback for correct responses, thereby relieving the pressure of competition in learning and providing the opportunity for the students to improve their self-images. This method of instruction is necessarily linked with a diagnostic-prescriptive approach to learning. Small group instruction enables a smaller number of teachers to provide students with a large amount of individualized attention.

Performance objectives serve as a valuable tool to establish a reasonable progression in terms of an individual student's capabilities. The objectives are usually constructed with the cooperation of the student and provide these students with a mechanism for receiving positive reinforcement. Often this process involves a contractual arrangement between student and teacher.

Within correctional institutions the practice of using material rewards as a form of motivation to improve academic achievement and better social behavior has also been successfully utilized. Token economy or point economy reward systems are generally the most prevalent.

A precise objective evaluation of student academic progress in the basic skills is a particularly difficult problem in the institutional setting due to the differing lengths of time students actually participate. In a majority of cases the participation time is too short to allow a valid measurement on a standardized achievement test. Other problems in this area involve a lack of appropriate test instruments and a lack of appropriate

professional preparation, as well as, staff expertise. A national study of this program currently underway will address this problem and will attempt to develop evaluation models as well. The initial phase of this study solicited opinions from people at all levels about the program strengths and weaknesses. State personnel, facility administrators and teachers mentioned most often its emphasis on basic skills and individualized instruction as major strengths while restrictive guidelines and insufficient funds were weaknesses most frequently cited. In addition, about 56 percent of the participating students polled said that the Title I classes in reading and mathematics were teaching them more than other classes they had taken in these subjects.

In school year 1977-78 more than 29 million dollars in Title I funding was made available to State educational agencies to provide compensatory education programs for children in State administered institutions. The average daily attendance of children eligible to participate in the Title I program is 47,000, 3,000 in institutions for neglected children, 30,000 in institutions for delinquent children and 14,000 children in adult correctional facilities.

Local Institutions

Title I services are also provided to the institutionalized neglected or delinquent children who reside in institutions which are not State operated or supported.

Services to these children are provided by or through the local educational agencies since the allocation to which a local educational agency is entitled is based partially on the number of children in institutions for neglected or delinquent children.

The children in local institutions are eligible to participate in Title I programs even if they do not live in attendance areas designated for Title I projects or meet the criteria for participation in the local educational agency's program for children from low-income families.

The local educational agency meets its obligation to the institutionalized children by conducting a needs assessment of the children with the objective of identifying the special educational needs that these children may have and planning programs to meet these needs or to remove barriers so that their educational performance is improved. This assessment is carried out in a fashion similar to that in State institutions. Services are provided at public or private school sites, at the institutions, or at both sites.

Institutionalized neglected or delinquent children attending local public schools always receive services which supplement ongoing programs of instruction.

A typical approach is for the public or institutional school to provide the formal classroom instruction. Title I generally provides supplementary instruction in the basic skills. Often, Title I also provides supplementary services on an individualized basis. Such services may include motivation, guidance, and psychological services deemed necessary to assist the child with his instruction.

If a local educational agency is unable or unwilling to provide services to the institutionalized neglected or delinquent children, the State educational agency can assume the responsibility or designate another State or local public agency to provide Title I services. If an LEA does not provide the services, it is not entitled to the funds which were generated on behalf of these children.

For school year 1977-78, more than 13 million dollars in Title I funding was made available to local educational agencies to provide compensatory education programs for children living in local institutions. Over 60,000 children, 40,000 neglected and 20,000 delinquent, in more than 1,800 institutions are eligible to participate in these Title I programs.

STATEMENT OF PAT O. MANCINI

Mr. MANCINI. Thank you, and good morning, Mr. Chairman. It is a pleasure to appear before you today to discuss the status of the educational program provided for neglected or delinquent children in State-supported or State-operated institutions as well as in local institutions as a part of Title I of the Elementary and Secondary Education Act.

Special provisions are made in Title I, ESEA to meet the special educational needs of institutionalized neglected or delinquent children as well as children in adult correctional institutions for supplementing that education provided by the institution.

Over $43 million were made available for the N or D program in fiscal year 1978.

This money which is allocated to State educational agencies was based on over 107,000 children counted in 2,433 institutions in the U.S. and Puerto Rico.

Of the 107,000, over 60,000 are housed in locally-administered institutions and are provided supplemental educational services through the local educational agencies while the remaining 47,000 are housed in State-supported or administered institutions. Services to these children are provided by their respective State agencies.

From the 107,000-plus children eligible to participate in Title I, a smaller number is selected based on the seriousness of their educational needs. The greater portion of the funds allocated under Title I, this year as in the past, will be spent for remedial programs in reading, math, and language arts. The majority of the remaining funds are used for staff, staff training, equipment, and support services.

The conditions and facilities in which Title I educational programs are provided in institutions vary widely. In adult correctional institutions education may be provided in a refurbished cell, day room, or multi-purpose room. In institutions for neglected and some delinquent children, depending on the function of the institution, education may be provided in a school room similar to a public school or in a local public school outside of the institution.

The teaching staff in institutions also varies. Institutions for neglected or delinquent children, for the most part, have well-trained staff, while adult correctional institutions generally have some trained staff, but rely heavily on aides or in some situations "inmate teachers." The location of the institution also plays an important role in staff employment. It usually works out that the more isolated the institution, the harder it is to entice staff.

The types of activities and classroom procedures used to implement Title I instructional programs are based on the particular needs and grade level of the prticipants as well as the specific goals adopted by the institution.

Some of the most common approaches to meeting student needs in academics and attitudes include individualized or small group instruction, use of performance contracts, and reward programs.

This is the conclusion of my statement, Mr. Chairman. Thank you very much.

Chairman PERKINS. Thank you, Mr. Mancini. We will hear now from Mr. Gregory Ahart, Director of Human Resources of the General Accounting Office. Go ahead. We are glad to welcome you back here again.

STATEMENT OF GREGORY J. AHART

Mr. AHART. Thank you, Mr. Chairman. I have a prepared statement which I would like to offer for the record and summarize it.

Chairman PERKINS. Without objection, your entire statement will be inserted in the record.

[The prepared statement of Mr. Ahart follows:]

United States General Accounting Office
Washington, D.C. 20548

FOR RELEASE ON DELIVERY
EXPECTED AT 9:30 a.m.,
October 5, 1977

STATEMENT OF
GREGORY J. AHART, DIRECTOR
HUMAN RESOURCES DIVISION
BEFORE THE
SUBCOMMITTEE ON ELEMENTARY, SECONDARY, AND VOCATIONAL EDUCATION
OF THE
HOUSE COMMITTEE ON EDUCATION AND LABOR
ON
EDUCATIONAL ASSISTANCE FOR
INSTITUTIONALIZED NEGLECTED OR DELINQUENT CHILDREN

Mr. Chairman and members of the Subcommittee. We are pleased to have this opportunity to comment on the results of our work on the title I program for institutionalized neglected or delinquent children. Our presentation today will highlight the results of our work. We expect to issue a report to the Congress within the next few weeks.

The scope of our study included both State and locally administered institutions. State institutions are authorized to receive assistance under section 123 of title I of the Elementary and Secondary Education Act of 1965, as amended, while children in local institutions receive assistance under section 103 of title I. Our fieldwork was done in California, Virginia, Kansas, and Pennsylvania, and within these States, we did detailed work at a total of 17 institutions for neglected or delinquent children.

We also tracked the activities of 170 title I participants for about a one-year period following their release from the institutions. The purpose of the tracking was to determine, among other things, if the children returned to school and what assistance they received from the institutions and probation/parole/welfare agencies.

And finally, we sent questionnaires nationwide to a sample of the more than 2,000 administrators of State and local institutions of which 80 percent responded. The purpose of the survey was to obtain national data on institutions and institutionalized children, and to obtain views as to the importance of academic educational needs as compared to the many other needs of the target population. The thrust of the title I program is on the provision of reading and math instruction.

The problems faced by neglected and delinquent youths are diverse and for the most part well documented. Results of our questionnaire survey showed that a large percentage of the youths are considered to have some type of handicap. For example, institution administrators felt that more than 45 percent of neglected children were handicapped in some way. The most frequent conditions they cited were serious emotional disturbances (32 percent) and specific learning disabilities (20 percent).

Additional insight on the problems of the youth can be gained from an examination of the reasons for the youths being institutionalized. The 80 neglected youths that we tracked were institutionalized for a wide variety of reasons. However, uncontrollable behavior, poor or deprived home environment, and family problems were the predominant reasons. Sixty-two of the 90 delinquents we tracked were institutionalized for burglary, robbery, theft, or possession of stolen property.

Given the enormous problems faced by the target population, it is apparent that educators of institutionalized youths are faced with an extremely difficult task. Nonetheless, we believe that the effectiveness of the program could be enhanced if available program resources were distributed on a more selective basis. In particular, priority should be given to those youths that are likely to receive a continuum of educational services over a longer period of time. At present, the

existing funding formulas in the title I legislation have the effect of giving priority consideration to those institutions that serve youths who are likely to be exposed to educational services for a relatively short period of time.

Under the title I program, services to program participants are restricted to the period of time that the youths are institutionalized, and this period of time varies significantly. Our fieldwork and the results of our questionnaire survey showed that neglected youths are institutionalized more than twice as long as delinquent youth, about 22 months as opposed to about 10 months. Further, a recent study of State institutions made under contract with the Office of Education showed that actual exposure to program services is even less. About 70 percent of title I students in institutions for the delinquent and adult correctional institutions are enrolled in the program for 6 months or less. Conversely, about 60 percent of the title I students in institutions for the neglected remain in the program for 10 months or more.

Beyond the institution, it appears that the younger a youth is the more likely a continuum of educational services will be achieved. Our tracking of 170 title I participants following their release from the institution showed this to be the result. The younger a youth was, the greater the likelihood that the youth would enroll in school after release, and, be enrolled in school and attending regularly about 15 months later.

Our tracking data showed that 26 percent of our sample, or 45 youths, did not enroll in school following their release from the institution and of these, all but 9 were 16 years of age or older. Further, the majority of these youths were beyond the age for compulsory school attendance. The most frequent reason given for the youths not enrolling was that they had no interest in school or they refused to enroll.

For the 116 youths who enrolled in school, only 12 percent of the youths 16 or over enrolled while 71 percent of the children 13 or under enrolled. Further, for the children 13 or under, 83 percent were attending school on a regular basis about 15 months after release.

The reasons that older youths do not continue their schooling following release are no doubt many and complex. In general, we found that the incidence of reinstitutionalization, idleness, that is, not working or enrolled in school, and behavioral problems increased with the age of the youths. However, a major reason appears to be that many do not want additional schooling. According to our survey of institution administrators, youths over 15 years of age are primarily interested in obtaining a job or receiving job training, rather than continuing their schooling.

Despite the many obstacles facing youths upon release, much more could be done to help youths receive a continuum of appropriate educational assistance after they leave the institution. In particular, the timely receipt of information on

items such as a youth's specific academic strengths and weaknesses and behavior problems can assist receiving schools in implementing effective instructional approaches. Such approaches in turn can have an important bearing on how well the youths adjust to a school environment and make progress.

Institutions were doing little to assist the youths in their transition from the institutions to schools in the community. Further, our tracking showed that probation and parole officers were mainly concerned with community safety and spent a great deal of their time on crisis situations trying to keep juveniles out of trouble. Social workers monitoring neglected children usually directed their efforts toward trying to solve family problems.

As stated earlier Mr. Chairman, we believe the effectiveness of the title I program could be enhanced if priority consideration were given to youths who are likely to receive a continuum of educational services over a longer period of time. We believe the longer that the youths are exposed to educational services, the greater the educational progress that can be expected. At present, however, the authorizing legislation has the effect of directing the bulk of program funds to institutions housing delinquent youths and older youths. These youths are least likely to achieve a continuum of educational services.

To redirect the emphasis of program funding would require that the title I legislation be amended. One way to accomplish this is to provide State education agencies a single lump-sum entitlement on the basis of existing title I funding formulas for children in State and local institutions. This would assure that individual States obtain the same amount of funding for children in State and locally operated institutions that they are now receiving.

Once State education agencies receive their entitlement, individual grants could then be awarded on a competitive basis by the State agency based on criteria to be established by the Commissioner of Education. Under present legislation grants to institutions are not made on a competitive basis. Criteria to be established by the Commissioner should give priority consideration to institutions which serve younger children and which provide services over a longer period of time. Also, the criteria should emphasize that adequate prerelease and transitional services be provided. Such services would provide greater assurance that the children receive a continuum of appropriate educational services following their release from the institution.

Mr. Chairman, HEW did not agree with any aspect of our proposal. HEW was opposed to giving priority consideration to younger children and longer-term institutions and was opposed to having institutions take steps to improve transitional services for youths upon their release.

HEW was of the opinion that serving neglected youth at the expense of delinquent youth would have the effect of ignoring those with the greatest educational needs and that services in the institution may be the last chance for the majority of these older, delinquent youths. Regarding transitional services HEW felt that in view of the wide variety of agencies currently involved in providing services for youth upon their release from institutions, title I should not be the vehicle for Federal assistance for the purpose of enhancing these services.

HEW in effect has stated that delinquent youths should be given funding priority because they have the greatest educational needs. The question of who has the greatest need, however, is a very difficult one. Delinquent youths are generally older and therefore frequently further behind grade level than neglected children, and for this reason, an argument could be made that they should receive priority in the provision of services. At the same time, we believe that an equally valid argument could be made that younger children should be given priority for the simple reason that they are young. In essence, why should they have to wait until they are older and further behind grade level before they receive priority attention? It may be better to intervene at an earlier age. Regardless of which group it is decided has the greatest need, we believe that neglected children tend to have a greater opportunity to make substantial progress than delinquents because they are exposed

to program services over a much longer period of time. Further, younger children are more likely to continue their schooling after release from the institution.

We do not agree with HEW's position that the institution represents the last chance for some older youths. Several federally sponsored or assisted education and training programs are available to provide services to youths and adults who have educational or skill deficiencies after their release from institutions.

Regarding transition services, our position is that such services can routinely and inexpensively be provided to help students make the transition to another school setting. We did not intend that title I become a transition vehicle that would compete with activities of other agencies.

Mr. Chairman, the remainder of my statement addresses that part of our work which examined the present thrust of the title I program--that is, providing reading and math instruction--in relation to the many other problems faced by the target population.

Two major pieces of legislation were enacted in 1974 which underscored the concerns of the Congress that there be a responsive and coordinated Federal effort to address the problems of juvenile delinquency and child abuse and neglect. The first, enacted on January 31, 1974, was the Child Abuse Prevention and Treatment Act. Responsibility for carrying out the provisions of the act were placed within HEW. The

second, the Juvenile Justice and Delinquency Prevention Act of 1974, was enacted on September 7, 1974, and the Department of Justice was given principal responsibility for carrying out the act.

It is because of this legislation, the many problems faced by the target population, and the fact that the title I program is the only Federal service program for institutionalized neglected and delinquent children, that we surveyed institution administrators to compare the importance of the need for academic educational services with other needs of the target population. The other services considered were

--health and developmental services,

--mental health services, such as social, psychological, psychiatric, and counseling services,

--vocational services,

--family services,

--diagnostic services, and finally,

--drug and alcohol abuse services.

In essence, our analysis of responses showed that while academic educational needs are felt to be very important, it is questionable as to whether providing services to meet these needs should be the exclusive or top priority of a Federal service program. The needs of the youth were shown to be extremely diverse and mental health services were felt to be the top priority of the target population.

believe, therefore, that the Secretary, HEW, and the Attorneral, Department of Justice, should examine and report to ongress on the appropriateness and/or the exclusiveness of emic educational services as the top priority of Federal assisce for institutionalized neglected and delinquent children. If is determined that an academic thrust is not appropriate as the clusive or top priority, then we believe the thrust of the program hould be changed accordingly. Further, if it is felt that the desired thrust is not within the legal bounds of the title I legislation, the legislation should be amended, if such action is needed to bring about a more responsive program to assist institutionalized youths.

Again, Mr. Chairman, HEW did not agree with our proposed recommendation. However, the Department of Justice gave its full support.

HEW said that our survey of institution administrators was not broad enough to obtain an accurate picture of the success of the title I program and that the Office of Education has ongoing a study of the program which is broader in scope.

Mr. Chairman, our survey was not designed to make an assessment of the success of title I. Its purpose was to examine the importance of academic educational services in relation to the other needs of the target population. Concerning the study presently underway, its primary purpose is to measure the impact of the title I program on the basic reading and mathematics skills of the participants.

Mr. Chairman, this concludes our statement. We will be happy to answer any questions you may have.

Mr. AHART. We are pleased to have the opportunity to comment on results of our work on the Title I program for institutionalized neglected or delinquent children. Our field work was done in California, Virginia, Kansas, and Pennsylvania, and within these States, we did detailed work at a total of 17 institutions for neglected or delinquent children.

We also tracked the activities of 170 Title I participants for about a 1-year period following their release from the institutions, to determine, among other things, if the children returned to school and what assistance they received from the institutions and probation/parole/welfare agencies.

Finally, we sent questionnaires nationwide to a sample of the more than 2,000 administrators of State and local institutions, of which 80 percent responded. The purpose was to obtain national data on institutions and institutionalized children, and to obtain views as to the importance of academic educational needs as compared to the many other needs of the target population.

Our questionnaire survey showed that a large percentage of the youths are considered to have some type of handicap. The most frequent conditions cited were serious emotional disturbances, 32 percent, and specific learning disabilities, 20 percent.

The 80 neglected youths that we tracked were institutionalized for a wide variety of reasons. Uncontrollable behavior, poor or deprived home environment, and family problems were the predominant reasons. Sixty-two of the 90 delinquents we tracked were institutionalized for burglary, robbery, theft, or possession of stolen property.

It is apparent that educators of institutionalized youths are faced with an extremely difficult task. Nonetheless, we believe that the effectiveness of the program could be enhanced if available program resources were distributed on a more selective basis. Priority should be given to those youths that are likely to receive a continuum of educational services over a longer period of time. The existing funding formulas in the Title I legislation have the effect of giving priority consideration to those institutions that serve youths who are likely to be exposed to educational services for a relatively short period of time.

It appears that the younger a youth is, the more likely a continuum of educational services will be achieved.

Our tracking data showed that 26 percent of our sample, or 45 youths, did not enroll in school following their release from the institution, and of these, all but 9 were 16 years of age or older.

Only 12 percent of the youths 16 or over enrolled, while 71 percent of the children 13 or under enrolled. For the children 13 or under, 83 percent were attending school on a regular basis about 15 months after release.

The reasons that older youths do not continue their schooling following release are no doubt many and complex. Reinstitutionalization, idleness, and behavioral problems increased with the age of the youths. Many do not want additional schooling. Youths over 15 years of age are primarily interested in obtaining a job or receiving job training, rather than continuing their schooling.

Much more could be done to help youths receive a continuum of appropriate educational assistance after they leave the institution.

In particular, the timely receipt of information on items such as a youth's specific academic strengths and weaknesses and behavior problems can assist receiving schools in implementing effective instructional approaches.

Institutions were doing little to assist the youths in their transition from the institutions to schools in the community. Further, probation and parole officers were mainly concerned with community safety and spent a great deal of their time on crisis situations trying to keep juveniles out of trouble. Social workers monitoring neglected children usually directed their efforts toward trying to solve family problems.

Mr. Chairman, we believe the effectiveness of the Title I program could be enhanced if priority consideration were given to youths who are likely to receive a continuum of educational services over a longer period of time. At present, however, the authorizing legislation has the effect of directing the bulk of program funds to institutions housing delinquent youths and older youths least likely to achieve a continuum of educational services.

This situation exists because most older delinquent youths are in State institutions which receive full funding under title I. Most neglected youths on the other hand are in locally administered institutions whose title I entitlement traditionally has been reduced because the Congress has not funded the title I program up to its full authorization.

To redirect the emphasis of program funding would require that the Title I legislation be amended. One way to accomplish this is to provide State education agencies a single lump-sum entitlement on the basis of existing Title I funding formulas for children in State and local institutions.

Individual grants could then be awarded to both State and local institutions on a competitive basis by the State agency based on criteria to be established by the Commissioner of Education. The criteria should emphasize that adequate prerelease and transitional services be provided.

Mr. Chairman, HEW did not agree with any aspect of our proposal. HEW was opposed to giving priority consideration to younger children and longer-term institutions and was opposed to having institutions take steps to improve transitional services for youths upon their release.

HEW in effect has stated that delinquent youths should be given funding priority because they have the greatest educational needs. We believe that an equally valid argument could be made that younger children should be given priority for the simple reason that they are young. In essence, why should they have to wait until they are older and further behind grade level before they receive priority attention? It may be better to intervene at an earlier age. Regardless of which group it is decided has the greatest need, we believe that neglected children tend to have a greater opportunity to make substantial progress than delinquents because they are exposed to program services over a much longer period of time. Further, younger children are more likely to continue their schooling after release from the institution.

Mr. Chairman, the remainder of my statement addresses that part of our work which examined the present thrust of the Title I program—that is, providing reading and math instruction—in relation to the many other problems faced by the target population.

We surveyed institution administrators to compare the importance of the need for academic educational services with other needs of the target population.

In essence, our analysis of responses showed that while academic educational needs are felt to be very important, it is questionable as to whether providing services to meet these needs should be the exclusive or top priority of a Federal service program. The needs of the youth were shown to be extremely diverse and mental health services were felt to be the top priority of the target population.

I believe, therefore, that the Secretary, HEW, and the Attorney General should examine and report to the Congress on the appropriateness and/or the exclusiveness of academic educational services as the top priority of Federal assistance for institutionalized neglected and delinquent children.

Again, Mr. Chairman, HEW did not agree with our proposed recommendation. However, the Department of Justice gave its full support.

HEW said that our survey was not broad enough to obtain an accurate picture of the success of the Title I program and that the Office of Education has ongoing a study of the program which is broader in scope.

Our survey was not designed to make an assessment of the success of Title I. Its purpose was to examine the importance of academic educational services in relation to the other needs of the target population.

This concludes our statement. Thank you, Mr. Chairman.

Chairman PERKINS. Thank you very much.

We will hear from Mr. Grady Decell from South Carolina at this time. Without objection, your prepared statement will be inserted in the record. Go ahead.

[The prepared statement of Mr. Decell follows:]

TESTIMONY OF

GRADY A. DECELL, STATE DIRECTOR

SOUTH CAROLINA DEPARTMENT OF YOUTH SERVICES

PREPARED FOR

CONGRESSIONAL SUBCOMMITTEE

ON ELEMENTARY, SECONDARY, AND VOCATIONAL EDUCATION

CARL D. PERKINS, CHAIRMAN

OCTOBER 5, 1977

The South Carolina Department of Youth Services first utilized Title I funds during the summer months of 1968. Since that beginning, our agency has annually applied for and received Title I funds through our State Department of Education's Federal Programs Office. Currently we are operating from our FY 1978 project, making this the ninth year of our participation in Title I.

In recent years, Title I guidelines have become much more defined with regard to correctional settings, and our Title I programs of recent years have centered their attention solely in the academic areas of Reading and Mathematics.

OUR EDUCATIONAL PHILOSOPHY

The administration in the Educational Section of the South Carolina Department of Youth Services feels that Reading and Mathematics are the basis upon which the educational process relies. Academic progress relates directly to the student's Reading and Mathematics abilities, and therefore makes it mandatory that an opportunity for good basic instruction in these areas be provided to students of our agency.

The South Carolina Department of Youth Services serves a unique group of students who share many common characteristics and learning disabilities. Virtually all commitments suffer some form of emotional and/or social maladjustments; and most have experienced utter academic failure in the public school environment. In accordance with Title I guidelines our agency has identified Title I students and for the short time they are available to us, advanced them in the basic skill areas as far as their individual abilities permit. Essential parts of these activities are high interest low level materials, varied audio-visual equipment

and individualized instruction.

It has been the design of the program to determine Reading and Mathematics skill deficiencies through a diagnostic prescriptive approach to Reading and Mathematics, to develop a corresponding remedial program, involve teachers in the development of such a program (coordinated with teacher inservice education), and administer appropriate parts of this program to eliminate as many student skill deficiencies as possible among those students involved in this special program.

Basically our program consists of the diagnosis of skill deficiencies on an individual basis in Reading and Mathematics, followed by prescribed activities designated to remove such deficiencies. This has resulted in raising the individual student's ability levels, thereby enabling the student to progress in other academic areas as well as perform more efficiently in these.

ANALYSIS OF NEEDS OF INSTITUTIONALIZED CHILDREN

The individuals that are assigned to this agency share many common learning disabilities and have an unusually high percentage of educational difficulties. Through our Title I program a concentrated effort has been and is being made to assist them in the basic educational areas. For many of our students, their stay with Youth Services will be their last formal learning experience, since upon release many choose not to return to public schools for varying reasons.

Our Educational Needs Assessment, which is conducted annually, provides us with objective data that paints a somewhat bleak academic picture of the students that are assigned to our agency. The data that is obtained from this assessment points out the overall severity of the educational needs of our populace.

Our State Department of Education requires us to prove through objective measures, that 35% of our students function in the lowest 25th percentile, in order for us to

qualify for a Title I program. Our Educational Needs Assessment at present indicates that 73% in Reading and 80% in Mathematics function in the lowest 25th percentile. This more than doubles our State Department of Education's requirements for Title I funding.

DESCRIPTION OF TITLE I PROGRAMS AND ACTIVITIES

The development and operation of diagnostic, prescriptive Reading and Mathematics programs for our academic schools is to be continued. Students who function in the lowest percentiles will be those students chosen to participate in our Title I Reading and/or Mathematics classes.

The removal of skill deficiencies in Reading and Mathematics should permeate the entire school program in that the student being able to function better, more comprehensively, and having a broader academic base, should experience greater achievement and success in all fields in which reading and mathematical skills are necessary. The development and continuation of a complete diagnostic prescriptive program has and will involve several phases which include consultant services, selection and purchasing of diagnostic equipment and supplies, pretesting students to determine skill deficiencies, inservice education for teachers, collating existing materials and purchasing new materials for teaching specific skills, post-testing students at appropriate intervals, and assessing individual student progress as well as program progress.

It is planned that Reading and Mathematics specialists continue to be employed on a consultant basis to direct the development of the above mentioned program facets. Program development will continue to be based on an approved diagnostic instrument. All students who enter these programs will be pretested and evaluated to determine skill deficiencies, followed by the assignment of educational activities involved in these programs and which are individually designed to help remove known deficiencies.

Consultants will continue to be involved in the direction of services with special emphasis on the collating of existing materials, studying varied and new materials and their adaptations for appropriate use in student Reading and Mathematical development. The current Title I Reading and Mathematics program will continue to fit within the present schedule and facilities of the Department of Youth Services, thereby requiring no major schedule changes or alterations and no additional construction of facilities.

The students that are served by Title I within the South Carolina Department of Youth Services are those students who are measured to be the most academically needy.

Presently, our agency is operating from its 1978 project and some of the most outstanding facets of that program are as follows:

1. It has been funded at $301,472. for the last four years and employs 10 teachers and 10 aides, 2 guidance personnel and 1 coordinator. Title I programs are ongoing at two of our three academic schools. Our Reception and Evaluation Center is not included due to the short term nature of that institution.
2. It expends approximately 85% of its total budget for Instructional Salaries and related Fixed Charges, 15% is expended for materials and equipment.
3. It expends over 94% of its total allocation at the facility level, which enables our agency to employ properly certified teachers to teach these students who benefit greatly from a more personalized student/teacher relationship. Less than 6% goes for Title I administration.
4. It annually serves 350-400 FTE (Full Time Equivalency)

students; during which time our agency experiences a turnover rate of 150%.

5. It operates a 12 month regular school term. The academic school year runs from September through August.
6. It indicates an average stay of 7½ months with the most common stay approximately 6 months.
7. It works from a diagnostic-prescriptive concept toward learning disabilities, with heavy emphasis on individualized instruction and a low student/teacher ratio.
8. It has as its objective, to increase the functional ability of the Title I students to a rate which is comparable to a 1 year's gain for 1 year's study.
9. It is supplementary to the state support in Reading and Math, with distinctive difference in the curriculum taught in state supported classes and Title I supported classes.

EVALUATION

Five years ago our agency went to an objective evaluation format and our projects continue to be evaluated annually on a pre/post test concept.

Teachers and guidance personnel participating in the project have been instructed in the testing, diagnosis and prescriptive processes as a part of the inservice education and will help to develop and collate teaching materials for the various skill deficient areas as indicated by the CTBS-1973 test.

Each student participating in the Reading and/or Mathematics program will be pretested upon entry and post-tested when paroled or at the end of the project

year, whichever occurs first, using the approved standardized Reading and Mathematics achievement instrument. This is accomplished by a coordinated effort between teacher, teacher aides, and guidance personnel.

A comparison of these two test scores indicates the progress they have achieved with consideration given to length of study in the program. Reviewing the project evaluations of recent years, the progress that has been made by the majority of the participants is amazing. The typical student in our Title I program is approximately 16.1 years old and is functioning on approximately the 4.0 grade level; so basically, the typical Title I student has a 6 year plus educational deficiency when they begin the study with us. Results of our Title I evaluations of recent years indicate that for 60% of the program's participants we have shown a 1 year's gain for 1 year's study. This shows an academic growth rate that more than doubles their rate prior to their assignment with our agency. We feel that this amount of improvement is very significant and is a direct reflection of the importance of Title I to us and to others across the nation.

The South Carolina Department of Youth Services will take this opportunity to recommend to this committee that Title I funding continue; and that it continue at no less than the current level. Title I represents a much needed complement to the state supported educational programs within our agency, and we feel that it is doing enormous good for those students who are involved in it. If our students are to assume the role of useful citizens after their parole, it is imperative that they be given every advantage we can provide them.

97-889 O - 77 - 5

STATEMENT OF GRADY A. DECELL

Mr. DECELL. Thank you, Mr. Chairman.

On behalf of the South Carolina Department of Youth Services, and the National Association of State Juvenile Delinquency Program Administrators, of which I am president, we are delighted to have the opportunity to appear before you, and I hope that our remarks will be reflective of what is going on with Title I throughout the country.

I would like to say with reference to the doctor's comments on delinquent youths that the thing that contributes most to delinquency is neglect and rejection. So most delinquent youths, and I am sure you agree, are neglected, rejected, or both. So we would hope that we would continue to qualify for these kinds of funds on that basis.

Certainly we are reaching down now back to lower and younger-and-younger children. But the South Carolina Department of Youth Services first utilized Title I funds during the summer of 1968. Since that beginning our agency has annually applied for and received Title I funds through our State Department of Education Federal Program office. Currently, we are operating from our fiscal year 1978 project making this the 9th year of our participation in Title I.

In recent years, Title I guidelines have become more defined with regard to correctional settings. Our Title I program has centered its attention solely on the academic areas of reading and mathematics. Our educational needs assessment, which is conducted annually, provides us with objective data that paints a somewhat bleak academic picture of the students assigned to our agency. The data that is obtained from this assessment points out the overall severity of the educational needs of our populace.

Our State Department of Education requires us to prove through objective measures that 35 percent of our students function in the lowest 25th percentile in their academic achievement for us to qualify for a Title I program. Our educational needs assessment at present indicates that 73 percent in reading and 80 percent in mathematics function in the lowest 25th percentile.

Chairman PERKINS. I am going to interrupt at this time to ask Mr. Mancini a question or two.

If I understood your testimony, neglected and delinquent children in local institutions are counted by the local school district for Title I funds. Once a school district receives these funds, must all of them be spent on programs for these children in institutions, and do you believe we should continue to treat such children in local institutions different from those in State institutions?

Mr. MANCINI. The answer to your first question, Mr. Chairman, is that the children in local institutions are counted on a caseload basis.

The local educational agency is to provide services for those children in those institutions, either in the institution or within the LEA, whichever is more convenient for the children. As to whether we should treat these children differently in count or in service than those in the State, I feel that the services that the children are getting are adequate since they do have the local educational

agency available to provide additional services. These State agencies have no such resource, and therefore must provide the totality, themselves.

Chairman PERKINS. Is the Office of Education requiring these funds to be used only for extra educational services for these children in State institutions, or are funds being used for their basic education?

Mr. MANCINI. Mr. Chairman, the total Title I concept is a supplemental concept, as you well know. So we do supplement that which exists in the institutions. We do not provide the basic education program. The State must provide that before we can go in and supplement what exists.

Chairman PERKINS. Go ahead with your testimony right at this time.

Mr. DECELL. Fine. Thank you, sir.

All right, this number of children more than doubles our State Department of Education requirement for Title I funding and also points out that agencies serving delinquent youths across the nation probably serve a unique group of students who share many common characteristics in learning disabilities.

Virtually all committed youths suffer some form of emotional or social maladjustment, and most have experienced utter academic failure in the public school environment.

In accordance with Title I guidelines our agency has identified Title I students and for the short time they are available to us, advanced them in the basic skill areas as far as their individual abilities permit. Essential parts of these activities are high-interest low-level materials, varied audio visual material and individualized instruction.

The students that are served by Title I within the South Carolina Department of Youth Service are those measured to be the most academically needy.

Presently, our agency is operating from its 1978 project and some of the most outstanding facets of the program are as follows:

It has been funded at $301,472 for the last four years and employs 10 teachers and 10 aides, 2 guidance personnel, and 1 coordinator. Title I programs are ongoing at two of our three academic schools. Our Reception and Evaluation Center is not included due to the short-term nature of that institution.

It expends approximately 85 percent of its total budget for instructional salaries and related fixed charges; 15 percent is expended for materials and equipment.

It expends over 94 percent of its total allocation at the facility level, which enables our agency to employ properly certified teachers to teach these students who benefit greatly from a more personalized student/teacher relationship. Less than six percent goes for Title I administration.

It annually serves 350-400 FTE (Full Time Equivalency) students, during which time our agency experiences a turnover rate of 150 percent.

It operates a 12-month regular school term. The academic school year runs from September through August.

It indicates an average stay of 7-1/2 months with the most common stay approximately six months.

It works from a diagnostic-prescriptive concept toward learning disabilities, with heavy emphasis on individualized instruction and a low student/teacher ratio.

It has as its objective to increase the functional ability of the Title I students to a rate which is comparable to a 1-year's gain for 1-year's study.

It is supplementary to the State support in reading and math, with distinctive differences in the curriculum taught in State-supported classes and Title I-supported classes.

Five years ago, our agency went to an objective evaluation format, and our projects continue to be evaluated annually on a pre-test/post-test concept.

Teachers and guidance personnel participating in the project have been instructed in the testing, diagnosis and prescriptive processes as a part of the in-service education and will help to develop and collate teaching materials for the various skill-deficient areas as indicated by the CTBS-1973 test.

Each student participating in the reading and/or mathematics program will be pre-tested upon entry and post-tested when paroled or at the end of the project year, whichever occurs first, using the approved standardized reading and mathematics achievement instrument. This is accomplished by a coordinated effort between teacher, teacher aides, and guidance personnel.

A comparison of these two test scores indicates the progress they have achieved with consideration given to length of study in the program. Reviewing the project evaluations of recent years, the progress that has been made by the majority of the participants is amazing. The typical student in our Title I program is approximately 16.1 years old and is functionIng on approximately the 4.0 grade level; so basically, the typical Title I student has a 6-year plus educational deficiency when they begin the study with us. Results of our Title I evaluations of recent years indicate that for 60 percent of the program's participants we have shown a 1-year's gain for 1-year's study. This shows an academic growth rate that more than doubles their rate prior to their assignment with our agency. Prior to that time, they were getting a half year's growth for 1-year study. We feel that this amount of improvement is very significant and is a direct reflection of the importance of Title I to us and to others across the nation.

The South Carolina Department of Youth Services will take this opportunity to recommend to this committee that Title I funding continue; and that it continue at no less than the current level. Title I represents a much needed complement to the State-supported educational programs within our agency, and we feel that it is doing enormous good for those students who are involved in it. If our students are to assume the role of useful citizens after their parole, it is imperative that they be given every advantage we can provide them.

Mr. MOTTL (presiding). Thank you for your fine statement. We have our esteemed counsel for the Minority, who would like to address some questions to the panel.

Mr. Cross?

Mr. CROSS. One of the points raised by Chairman Perkins, and I would like to get back to it, is if Title I is for excess cost, what rationale is there, then, for having a payment to a State institution, be $580 and one to an LEA be $369 for identical cases?

Mr. Mancini?

Mr. MANCINI. The rationale, as I can recall, when this program was first considered, was that the State institutions had very little education, formal education classes, schoolrooms, whatever you want. As time went on with the State maintaining and building on their basic educational program, it did create the situation where the basic education program was growing, and so was the Title 1 supplement.

I think the other factor is that there are several other State programs that are funded on the same level as this State agency program, and I don't know whose effort it was to make all of those funded at the same level.

Mr. CROSS. Are you saying, then, there is less rationale today than there was at the beginning of the program for that discrepancy?

Mr. MANCINI. No, I would not say that. I feel today it is more evident because we are getting more hard-core juveniles in the State facilities who require a lot more emphasis, a lot more work. So I think the discrepancy is not a valid situation today.

Mr. CROSS. And those same needs don't exist with respect to juveniles in local facilities?

Mr. MANCINI. I think you get a different type of a child in a local facility.

Mr. CROSS. Do you have any evidence of that?

Mr. MANCINI. The only evidence I have is that the children who go into local institutions are usually those that the communities feel they can work with. The children that usually go to State institutions are those that the community has given up on.

Mr. CROSS. Is there, then, possibly a tendency to send children with more needs to a State institution because they will get more money there and the local district can't get as much if they keep them?

Mr. MANCINI. No, sir, I doubt that. I think the adjudication process does not consider that kind of situation.

Mr. CROSS. It does consider their needs?

Mr. MANCINI. They consider their needs, but I think the first course of the judge is to decide on whether it is breaking of the law or not. And that is one of the situations they may consider; that this child does need a restrictive environment and certain kinds of training.

Mr. CROSS. What would you think of a requirement in this section of the law that any children counted must be served?

Mr. MANCINI. I don't think that there is anything to prevent any of those children counted today from being served.

Mr. CROSS. But, in fact, less than half of them are served.

Mr. MANCINI. I think it is a matter of degree. Selection is based on those who are the most educationally deprived as opposed to those who do not have less severe educational deprivation.

Mr. CROSS. Mr. Ahart, what would your reaction be, from the study done by GAO?

Mr. AHART. On both questions?

Mr. CROSS. Yes.

Mr. AHART. On the first question, I think that the main point we are making is that there is a bias now in the formula of the State schools, and it strikes us that the needs of these people are largely the same. There is a difference in age. According to the administrators of the institutions that we surveyed, we could not define statistically different situations in terms of what they felt the range of needs were. They were highest in terms of priority on the mental health needs, and it is our thought that if you can reach children on mental health as well as education at a younger age, and these tend to be neglected rather than the ones in the State correctional institutions, you might have a better chance of giving them help and keeping them out of the correctional institutions later on in their life.

If you could restate the second question, I will answer it.

Mr. CROSS. It was about the children counted being served.

Mr. AHART. I think certainly they should have the opportunity to be served but because of the short term of some of the children that are counted in the Census, the short term that they may be in an institution, it may not be possible to get them into a viable educational-type activity. You might be able to reach them with mental health activity, but if they are there for a short period of time, you might not be able to do anything from an educational standpoint.

I am not sure it is practical to say every one of the people counted in Census need to be reached by the Federal dollars under the program.

Mr. CROSS. The question of differentiation in funding, you don't see the same need for the differentiation that Mr. Mancini has indicated?

Mr. AHART. No, we don't see the need for it. I am not sure what the logic was originally in the legislation for this funding formula. Basically, it says that the State gets full entitlement, which is 40 percent, I think, of the average per pupil cost in the State within some certain limits, and whatever is appropriated, and the local institutions get what is left over. I am not sure there is a particular logic for the amount that goes to the local institutions.

Mr. CROSS. Have there been audit exceptions involving this portion of the law?

Mr. MANCINI. Yes, there have been some audits.

Mr. CROSS. Audit exceptions?

Mr. MANCINI. In relation to?

Mr. CROSS. Neglected and delinquents.

Mr. MANCINI. To my knowledge, there have not been; no.

Mr. CROSS. Finally, given what the OE study said and what GAO has found, how would you feel about a requirement that the teachers in these programs be State certified?

Mr. MANCINI. I think we should require some sort of certification.

Mr. CROSS. Thank you, Mr. Chairman.

Mr. MOTTL. Thank you, Mr. Cross.

The learned counsel for the Majority, Jack Jennings, has some questions to proffer to you as a panel.

Mr. Jennings?

Mr. JENNINGS. Thank you.

Mr. Mancini, if I could follow up with you on the two questions the Chairman asked earlier. You said that when children are counted by local school districts as being neglected children in local institutions, the school district had to provide services for the children. The question really is if a school district receives $20,000 in its Title I grant because of those children, does it have to spend $20,000 in that local institution?

Mr. MANCINI. That money is identifiable. It should go for those children. If they can't use it for those children it has to come back.

Mr. JENNINGS. Comes back to the Treasury or goes into the other Title I programs in the school district?

Mr. MANCINI. If the money isn't used at the local level for those children, then it comes back to the Treasury.

Mr. JENNINGS. Used first at the local level?

Mr. MANCINI. If the money is not used for children at the local level, the local institutionalized children, then what is left is money that was set aside for those children and it cannot be used for other activities. So it comes back to the Federal Government.

Mr. JENNINGS. So that is a categorical purpose, then, within the local school district's grant just for those children and the school district cannot transfer the money over?

Mr. MANCINI. I don't think it goes that far.

Mrs. GENEVIEVE DANE. I am Genevieve Dane.

The statute says if a local educational agency is either unwilling or unable to provide these services, that the State may find another public agency to provide those services. If they cannot find another agency to do it, then the money is not available to that.

Mr. JENNINGS. Mrs. Dane, if a school district receives so much money and finds there are not educationally deprived children in that institution, has the situation occurred where it has said there is no need for a program and it wants to use the money for something else?

Mrs. DANE. To my knowledge, that has not occurred.

Mr. JENNINGS. My followup on the Chairman's second question is with the basic educational program. In answer to his question, you said the basic concept behind Title I is that all the money is to be used for supplementary services and, therefore, of course, in the State institutions Title I money is used for supplementary services on top of what they are doing.

But that doesn't answer the question, because the question really is, do you require the State institutions to provide a certain amount of money or certain type of basic educational program before they qualify for Title I to be used for extra services on top of the basic educational program?

Mr. MANCINI. Yes, the law says a program of free public education. They have to be provided a program of free public education before they can qualify. The regulations say the children have to be attending at least five hours per week in an organized program of instruction before they become eligible. So there are certain basics that the institution must provide, or the State agency.

Mr. JENNINGS. So you are defining, then, by regulation that five hours in a 7-day period is the limit of the State's requirement to

provide a free appropriate public education for neglected and delinquent children in State institutions?

Mr. MANCINI. No, the regulations don't say that. They say the child must be participating in at least that much time. They can have 30 or 40 hours of education, but a child must be participating at least five hours per week.

Mr. JENNINGS. In other words, again, you are saying that the minimum requirement to qualify for these funds is that a State has to be providing five hours of public education to a child in a State institution for the neglected and delinquents?

Mr. MANCINI. That is right.

Mr. JENNINGS. How did you arrive at five hours a week as a free appropriate public education for a child in a State institution?

Mr. MANCINI. Well, we figured, I think, on the basis of one hour per day. Particularly, this came into question at a level where we were having problems with the adult institutions, and, as I recall, we couldn't ask that they provide much more than that, since there were other factors that came into providing education in adult institutions.

Mr. JENNINGS. Did you try to make a distinction between neglected children at a younger age in State institutions and children under the age of 21 in adult correctional institutions and require more hours of instruction for younger children in neglected institutions?

Mr. MANCINI. No, we did not. I think the factor that the younger children are mandated by law to attend free public education, or attend school, sort of takes care of that situation.

Mr. JENNINGS. Could you provide for the record, then, information on the number of hours spent by the average child in State institutions for neglected and delinquent children, by State? It would seem five hours per week is a rather minimal period of time to be defined as a basic education.

[The information requested follows:]

STATE SUPPORTED EDUCATION PROGRAMS IN STATE INSTITUTIONS

State	Institutions for Neglected Children		Institutions for Delinquent Children		Adult Correctional Institutions	
	Hours Per Week Children Usually Attend	Hours Per Week Instructional Classes Usually Offered	Hours Per Week Children Usually Attend	Hours Per Week Instructional Classes Usually Offered	Hours Per Week Children Usually Attend	Hours Per Week Instructional Classes Usually Offered
Alabama			32	32	15	32
Alaska			30	30		
Arizona			15	25	15	25
Arkansas			24	40	14	40
California			20	28	18	30
Colorado			15	40	32	40
Connecticut	20	35	20	35	26	30
Delaware			25	30		
District of Columbia	15	22	15	22		
Florida			15	30	20	20
Georgia			25	30	15	30
Hawaii			15	30		
Idaho			30	30	30	30
Illinois	30	30	25	40	20	38
Indiana	25	30	25	30	25	30
Iowa			30	35	30	35
Kansas			20	30	36	40
Kentucky	15	25	15	25	15	15
Louisiana			10	25	10	25
Maine			25	25	25	25
Maryland			25	25	10	20
Massachusetts			10	20	20	30
Michigan			28	30	20	40
Minnesota			25	25	15	25
Mississippi			25	30	30	30
Missouri			26	36	22	32
Montana			30	30	30	30
Nebraska	25	25	27	27	27	27
Nevada			35	35		
New Hampshire			20	27		
New Jersey			22	22	22	22
New Mexico			15	30	15	30
New York			16	40	22	42
North Carolina			35	35	30	30
North Dakota			25	35	25	35
Ohio	32	32	30	30	35	35
Oklahoma	20	30	25	30	25	30

State	Institutions for Neglected Children		Institutions for Delinquent Children		Adult Correctional Institutions	
	Hours Per Week Children Usually Attend	Hours Per Week Instructional Classes Usually Offered	Hours Per Week Children Usually Attend	Hours Per Week Instructional Classes Usually Offered	Hours Per Week Children Usually Attend	Hours Per Week Instructional Classes Usually Offered
Oregon	25	32	25	32	20	30
Pennsylvania	24	40	24	40	24	40
Rhode Island	25	25	25	25	20	25
South Carolina	30	30	25	35	15	20
South Dakota			15	30	15	30
Tennessee	30	30	32	32	32	32
Texas	25	35	25	35	6	30
Utah			35	35	35	35
Vermont			6	30	6	30
Virginia			20	20	20	20
Washington			22	25	22	25
West Virginia			20	40	20	40
Wisconsin			25	30	25	30
Wyoming			25	40	25	40

Items not reported indicate no eligible institutions or no currently operating Title I programs

Mr. JENNINGS. My last question, Mr. Mottl, is to Mr. Decell. Do you agree, Mr. Decell, with the GAO's basic recommendation, which is that these funds ought to be concentrated by a State on younger children who are more likely to go to school after they leave the institution than on older children who are more likely to be looking for a job after they leave the institution?

Mr. DECELL. I would feel that perhaps we are talking about the same children, and our average age is 14.5 years, and that is pretty consistent across the country. I would certainly hope that we are talking about all children should be served, as a matter of fact, and we can't afford for them not to be, and certainly the emphasis is moving toward prevention of children entering into the correctional cycle. But I really don't see how correctional institutions can continue to offer the quality of service without continued funding of this kind throughout the country.

I presume we are talking about a matter of priorities and certainly we see that our children—I think all of you know the characteristically delinquent kids are unable to read for reasons which have not yet been ascertained. We are now getting into the thought, and there have been significant studies in Virginia and New York, which indicate that some 25 percent of the kids in correctional institutions are learning disabled, diagnosably learning disabled, and your entire educational future is based now on your ability to read and to do mathematical computation. So I would certainly feel we at least have equal priorities and probability now with the advent of adult educational programs.

I think studies are probably going to indicate now more and more kids who are leaving correctional institutions will become more and more sophisticated and are going to continue their education. So I feel we should have some sort of equal priority in that area.

Mr. JENNINGS. Thank you. Thank you, gentlemen.

Thank you, Mr. Mottl.

Mr. MOTTL. Thank you. The Chair, on behalf of the committee, would like to thank Mr. Mancini, Mr. Ahart, and Mr. Decell, for your fine testimony here this morning, and the subcommittee will now stand adjourned until tomorrow morning at 9:30 a.m.

[Whereupon, at 10:10 a.m., the subcommittee adjourned, to reconvene at 9:30 a.m. o'clock, Thursday, October 6, 1977.]

[Appendix materials follow:]

APPENDICES

Appendix 1

Public Law 93 380
Title I
Sec. 123. Programs for Neglected
or Delinquent Children

PROGRAMS FOR NEGLECTED OR DELINQUENT CHILDREN

SEC. 123. (a) A State agency which is directly responsible for providing free public education for children in institutions for neglected or delinquent children or in adult correctional institutions shall be entitled to receive a grant under this section for any fiscal year (but only if grants received under this section are used only for children in such institutions).

(b) Except as provided in sections 124 and 125, the grant which such an agency (other than the agency for Puerto Rico) shall be eligible to receive shall be an amount equal to 40 per centum of the average per pupil expenditure in the State (or (1) in the case where the average per pupil expenditure in the State is less than 80 per centum of the average per pupil expenditure in the United States, of 80 per centum of the average per pupil expenditure in the United States, or (2) in the case where the average per pupil expenditure in the State is more than 120 per centum of the average per pupil expenditure in the United States, of 120 per centum of the average per pupil expenditure in the United States) multiplied by the number of such children in average daily attendance, as determined by the Commissioner, at schools for such children operated or supported by that agency, including schools providing education for such children under contract or other arrangement with such agency, in the most recent fiscal year for which satisfactory data are available. The grant which Puerto Rico shall be eligible to receive under this section shall be the amount arrived at by multiplying the number of children in Puerto Rico counted as provided in the preceding sentence by 40 per centum of (1) the average per pupil expenditure in Puerto Rico or (2) in the case where such average per pupil expenditure is more than 120 per centum of the average per pupil expenditure in the United States, 120 per centum of the average per pupil expenditure in the United States.

(c) A State agency shall use payments under this section only for programs and projects (including the acquisition of equipment and where necessary the construction of school facilities) which are designed to meet the special educational needs of such children.

RESERVATION OF FUNDS FOR TERRITORIES

SEC. 124. There is authorized to be appropriated for each fiscal year for purposes of each of sections 121, 122, and 123, an amount equal to not more than 1 per centum of the amount appropriated for such year for such sections for payments to Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands under each such section. The amounts appropriated for each such section shall be allotted among Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective need for such grants, based on such criteria as the Commissioner determines will best carry out the purposes of this title.

MINIMUM PAYMENTS FOR STATE OPERATED PROGRAMS

SEC. 125. Except as provided in section 843 of the Education Amendments of 1974, no State agency shall receive in any fiscal year prior to July 1, 1978, pursuant to sections 121, 122, or 123 an amount which is less than 100 per centum of the amount which that State agency received in the prior fiscal year pursuant to such sections 121, 122, or 123, respectively.

Appendix 2

federal register

TUESDAY, APRIL 12, 1977

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

GRANTS TO STATE AGENCIES FOR PROGRAMS TO MEET THE SPECIAL EDUCATIONAL NEEDS OF CHILDREN IN INSTITUTIONS FOR NEGLECTED OR DELINQUENT CHILDREN

Interim Regulations

97-889 O - 77 - 4

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 116c—GRANTS TO STATE AGENCIES FOR PROGRAMS TO MEET THE SPECIAL EDUCATIONAL NEEDS OF CHILDREN IN INSTITUTIONS FOR NEGLECTED OR DELINQUENT CHILDREN

Interim Regulations

In accordance with section 503 of the Education Amendments of 1972 (Pub. L. 92-318) and pursuant to the authority contained in section 123 of Title I of the Elementary and Secondary Education Act (20 U.S.C. 241e-3) as amended by Pub. L. 93-380, the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare on October 22, 1975, published a Notice of Proposed Rulemaking that would amend Title 45 of the Code of Federal Regulations by adding a new Part 116c. Section 123 of Title I continues the program enacted in Pub. L. 89-750 which provides for grants to State agencies directly responsible for the free public education of children in institutions for neglected or delinquent children.

Comments made in response to the notice of proposed rulemaking were received in writing, at a meeting of representatives of applicant State agencies and of the administering State educational agencies held December 1, 1975, and at a public hearing held December 4, 1975. As a result of these comments, the following interim regulations are being published to implement programs authorized by 20 U.S.C. 241e-3, and they will become effective in accordance with section 431(d) of the General Education Provisions Act (20 U.S.C. 1232(d)), as amended by section 405 of Pub. L. 94-482. (See paragraph 6 of this preamble.) Further public comment is invited, and interested parties should direct their written suggestions, objections, or other statements of view to the U.S. Office of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202. Attention: Chairman, Office of Education Task Force on Section 503. Comments should be submitted no later than May 27, 1977. Comments and suggestions submitted in writing will be available for review in the above office between the hours of 8:30 a.m. and 4:00 p.m. Monday through Friday of each week. The program officer who may be contacted about these interim regulations is Mr. Pat O. Mancini, telephone 202-245-2682.

1. *Reorganization of Part 116.* The regulations for programs authorized by Title I of the Elementary and Secondary Education Act have been reorganized into five parts. Part 116 now contains provisions applicable to all Title I programs, while the remaining four Parts deal individually with one of the categories of applicant agencies created by the statute (Local educational agencies, Part 116a; State agencies for Handicapped Children, Part 116b; State agencies for neglected or delinquent children, Part 116c; and State educational agencies in their capacity of grantee for programs for migratory children, Part 116d). Parts 116 and 116a were published as final regulations on September 28, 1976 in 41 FR 42894. Therefore, Part 116, Part 116c, and the applicable provisions of the Office of Education General Provisions Regulations published in the FEDERAL REGISTER in 38 FR 30654 (November 6, 1973; 45 CFR 100, 100b, and 100c constitute all the regulations governing Title I programs conducted by State agencies for children in institutions for neglected or delinquent children.

At present there are no guidelines related to Part 116c. If guidelines are issued in the future, they will be published in the FEDERAL REGISTER and will merely offer suggestions or recommendations for meeting certain mandatory requirements set forth in the regulations.

2. *Section 503 procedures and effect.* Section 503 of the Education Amendments of 1972 requires the Commissioner to study all rules, regulations, guidelines, or other published interpretations or orders issued by him or by the Secretary after June 30, 1965, in connection with, or affecting, the administration of Office of Education programs; to report to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives concerning such study; and to publish in the FEDERAL REGISTER such rules, regulations, guidelines, interpretations, and orders with an opportunity for public hearing on the matters so published. These regulations reflect the results of this study as it pertains to programs authorized by section 123 of Title I of the Elementary and Secondary Education Act, as amended.

3. *Citations of legal authority.* As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232(a)), as amended by section 405 of Pub. L. 94-482 and section 503 of the Education Amendments of 1972, a citation of statutory or other legal authority for each section of the regulations has been placed in parentheses on the line following the text of the section.

4. *Summary of comments and responses.* The following is a summary of comments received in response to the Notice of Proposed Rulemaking. Each comment is followed by a response which indicates either a change in the interim regulation or the reason why no change was considered necessary. Specific comments are arranged in the order of the sections of the interim regulation to which they pertain.

Section 116c.1 Applicability.

Comment. One commenter suggested that the reference to neglected or delinquent children be changed to neglected or delinquent "persons."

Response. No change was made in this section because section 123 of the Act is specifically limited to "children in institutions for neglected or delinquent children". For clarification, § 116c.2 defines a child as a person under 21 years of age.

Section 116c.2 Definitions.

1. *Comment.* One commenter suggested that the definition of "adult correctional institution" be modified by substituting "any setting" for "residential institution."

Response. The definition has been modified so as not to characterize the nature of the facility in which the children are confined. Section 116c.5 provides that to be counted in average daily attendance a child must be, among other things, in the custody of the public agency that assigned him or her to an institution.

2. *Comment.* One commenter requested that definitions be added for "special educational needs," and "needs assessment."

Response. Section 116c.12 has been expanded to include the minimal requirements of a needs assessment and now provides guidance for the identification of special educational needs. Therefore, this suggestion was not adopted.

Section 116c.5 Determination of average daily attendance.

Section 116c.2 of the Notice of Proposed Rulemaking provided the following definition:

"'Average daily attendance,' in the case of children in institutions for neglected or delinquent children or in adult correctional institutions, means the average number of such children under 21 years of age (for whom the applicant State agency is directly responsible under State law for providing free public education) who participated on a daily basis in schools operated or supported by that agency, (including schools providing education for these children under contract or other arrangement with the agency), during the latest completed school year in an organized program of instruction:

"(1) Supported by State funds; and

"(2) Recognized under State law as furnishing elementary and secondary education, but not beyond grade 12."

1. *Comment.* One commenter recommended that average daily attendance be computed in the same manner as for Pub. L. 89-313 (now section 121 of Title I, providing for State operated programs for handicapped children).

Response. Section 123(b) of the Act provides for the distribution of Title I funds in part on the basis of "the number of children in average daily attendance as determined by the Commissioner, at schools for such children operated or supported by that (State) agency." The supplemental nature of Title I requires that children counted and served be actually receiving educational services on a regular basis. Section 116c.5 is intended to satisfy these requirements, with special attention to the unique aspects of institutions for neglected or delinquent children and adult correctional institutions. Both the prior provision for the computation of average daily attendance in State operated or State supported schools for handicapped children (§ 116.11(c)(2)), 32 FR

2742, February 9, 1967) and § 116c.5 measure a child's daily attendance by the number of hours he or she participates per day. However, the special requirements of these institutions preclude a requirement of daily participation in the non-federally funded educational program.

2. *Comment.* A number of comments were received concerning the basis on which children must participate in non-federally funded educational programs to be counted in average daily attendance. Specific comments were made that children should be counted if they participate:

(a) On less than a daily basis (particularly those in adult correctional institutions);

(b) On a basis commensurate with their abilities; or

(c) For less than a full day.

Response. We agree that daily participation in a basic educational program is not always feasible, and § 116c.5 does not require it. Moreover, it specifically provides for the counting of children who participate for less than a full day. The supplementary nature of Title I, however, requires that the children counted for funds and eligible to be served under section 123 be regular participants in a continuing educational program in basic school subjects. The Office of Education having reviewed the comments it received is of the opinion that 5 hours of participation per week is the minimum which will satisfy that requirement.

3. *Comment.* A number of commenters noted the difficulty of identifying eligible education programs under the definition of average daily attendance contained in the Notice of Proposed Rulemaking. Commenters noted the lack of formal State criteria for the provision of elementary and secondary education or free public education to children in institutions. One commenter suggested that children in rehabilitation programs be considered in average daily attendance.

Response. In pointing out that no uniform view exists among the States as to what constitutes a free public education appropriate for children in institutions for neglected or delinquent children, the commenters have raised a difficult problem. In the absence of a workable consensus, these interim regulations attempt to define the minimal requirements of a free public education for the purposes of section 123 in terms of the type of instruction, namely "classroom instruction in basic school subjects such as reading, mathematics and vocationally oriented subjects." (§ 116c.5(d).)

4. *Comment.* A number of commenters were concerned about the lack of Title I programs for children in State institutions who are not in educational programs supported by other than Federal funds.

Response. No change was made in the regulation. Section 123 provides for grants to State agencies "directly responsible for providing free public education for children" in institutions. The amount of these grants is determined in part by the children's "average daily attendance" in non-federally funded educational programs. The supplementary nature of Title I requires that only those children for whom a free public education is being provided be eligible to receive services provided by Section 123.

Section 116c.12 Information required in applications.

1. *Comment.* One commenter observed that requiring the State agency's application to indicate the approximate ages of the youngest and oldest children in the institutions at which Title I funded services are to be provided served no useful purpose.

Response. Accordingly, this requirement has been eliminated.

2. *Comment.* One commenter suggested that the applicant agency provide a statement of function based on its "philosophy and functional intent" rather than provide specific information for each institution.

Response. The information required concerning existing non-federally funded educational programs and the children they serve is set forth in § 116c.12(a). The State educational agency must have this information for it to meaningfully evaluate the State agency's application and make the various determinations required by § 116c.13. Because a philosophical statement probably would not provide enough detailed information about the educational programs already provided in each institution, the suggestion was not adopted.

3. *Comment.* One commenter suggested that needs assessment be considered only a general requirement and that the State educational agency establish the specific nature of that assessment.

Response. Title I is a supplemental program for children with special educational needs. The only way to identify those needs is through an adequate needs assessment, the minimal requirements of which are set forth in § 116c.12(b). However, as suggested, the precise nature of that assessment is left to the State to determine.

4. *Comment.* One commenter recommended that standardized test scores showing underachievement be considered sufficient to document a child's need for supplementary instruction, while two other commenters suggested that the second sentence of § 116c.12(c) in the Notice of Proposed Rulemaking which reads: "This needs assessment shall be based on the best available data concerning the needs of the children particularly as indicated by objective measures of educational deficiency * * *" be modified by substituting the word "including" for the phrase "particularly as indicated by."

Response. Section 116c.12(b) requires State agencies to employ "objective measures of educational achievement" in making a needs assessment, while at the same time making clear that factors other than standardized test scores are to be considered in the design of supplementary educational programs and in the selection of individual children to receive services tailored to their particular needs. The purpose of the needs assessment is to determine the special educational needs to be met and the identity of those children that possess them. Standardized test scores alone are inadequate for these purposes.

5. *Comment.* One commenter suggested that the State educational agency be given program responsibility under Title I for those children who have left the institution and are residing in community treatment facilities.

Response. This suggestion was not adopted. The grants authorized by section 123 of Title I are to be "used only for children in * * * institutions" (emphasis added). Children who are no longer in the custody of the public agency which assigned them to an institution are therefore not eligible to be counted or served under this section.

6. *Comment.* One commenter recommended that § 116c.12(c) of the Notice of Proposed Rulemaking be revised to include remodeling.

Response. The specific recommendation was not adopted. However, § 116c.12 (c)(6) of the interim regulations now refers to 45 CFR 116.32 which provides that Title I funds may be used to remodel school facilities if "essential" to the success of a project.

Section 116c.13 Criteria for approval of applications.

1. *Comment.* Some commenters suggested that, although they endorsed the emphasis on basic skills, there should be limited flexibility to permit inclusion of related subjects such as social studies, vocational subjects, cultural enrichment, field trips, and socialization activities. Another commenter recommended that activities like these be permitted if the applicant agency demonstrates substantial effort to upgrade basic skills using non-Federal funds.

Response. While § 116c.13(b) does require that Title I funded projects be designed to meet the special educational needs identified in § 116c.12(b) and supplement the non-federally funded educational program, it also affords the State agencies some latitude in formulating the precise nature of the supplementary educational services to be provided. The State agency must, however, define and justify the Title I services it proposes to provide in terms of the educational needs of those children who are eligible to be counted in average daily attendance. Whether Title I funds should be used to provide services that supplement closely related services already provided out of non-Federal funds, or to provide substantially different services, will depend on the educational needs of the children and the nature of the services already provided.

3. *Other significant changes from the notice of proposed rulemaking.*

(a) The definition of average daily attendance contained in § 116c.2 of the

proposed rule has been redrafted and placed in § 116c.5 in order to facilitate the identification of those children who are eligible to be counted in computing average daily attendance.

(b) In order to provide a clearer statement of the responsibilities of State agencies, § 116c.12 has been redrafted as a new section headed "Information required in applications." Paragraph (a) of this new section requires certain information regarding the non-federally funded education program. Paragraphs (b) and (c) establish the basic requirements for a needs assessment and a project description.

(c) The definition of an "institution for delinquent children" found in § 116c.2 has been rewritten to make it clear that the definition includes institutions that receive children who, while not adjudicated as delinquent, have been charged with a violation of State law and have been found to be in need of supervision.

6. *Effective date.* Pursuant to section 431(d) of the General Education Provisions Act, (20 U.S.C. 1232(d)), as amended by section 405 of Pub. L. 94-482, these regulations have been transmitted to the Congress concurrently with their publication in the FEDERAL REGISTER. Section 431(d) provides that regulations subject thereto shall become effective on the forty-fifth day after the date of this transmission, subject to the provisions concerning Congressional action and adjournment. Therefore, except with respect to the determination of the amount a State agency is eligible to receive, these regulations shall govern all aspects of the grant-making process for Fiscal Year 1978, including questions relating to the eligibility of children to receive services supported by these grants. However, the amount available to a State agency shall be calculated on the same basis as that calculation was made for grants for Fiscal Year 1977.

NOTE—The Office of Education has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

(Catalog of Federal Domestic Assistance Program Number 13.431, Educationally Deprived Children—in State Institutions Serving Neglected or Delinquent Children.)

Dated: February 11, 1977.

WILLIAM F. PIERCE,
Acting Commissioner of Education.

Approved: March 31, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary of Health, Education, and Welfare.

Subpart A—General

Sec.
116c.1 Applicability.
116c.2 Definitions.

Subpart B—Amounts Available for Grants and Payments

116c.3 Grants which a State agency is eligible to receive.
116c.4 Amounts available by grants.
116c.5 Determination of average daily attendance.

Subpart C—Program Requirements

Sec.
116c.11 Applications.
116c.12 Information required in applications.
116c.13 Criteria for the approval of applications.

AUTHORITY: Sec. 101(a)(2)(E), Pub. L. 93-380, 88 Stat. 494 (20 U.S.C. 241c-3), unless otherwise noted.

Subpart A—General

§ 116c.1 Applicability.

(a) *Scope.* The regulations in this Part govern programs and projects for which funds are provided, pursuant to section 123 of Title I of the Elementary and Secondary Education Act of 1965, as amended, to State agencies directly responsible for providing free public education for children in institutions for neglected or delinquent children or in adult correctional institutions, to meet the special educational needs of these children.

(b) *Other applicable provisions.* Assistance provided under this Part is subject to all provisions contained in Part 116 (general requirements relating to Title I of the Act) and the applicable provisions of Parts 100, 100b and 100c of this Title relating to fiscal, administrative, property management, and other matters.

(c) The text of the Title I statute is contained in full in the Appendix to Part 116 of this chapter (41 FR 42907, September 28, 1976). (section 501(b)(1)(A) of Pub. L. 94-482 amends section 125 of the Title I statute by striking out "Except as provided in section 843 of the Education Amendments of 1974, no" and inserting in its place "No," while section 501(c) of Pub. L. 94-482 amends section 125 by striking out "State agency" both places it appears and inserting in its place "State".)

(20 U.S.C. 241c-3.)

§ 116c.2 Definitions.

"Adult correctional institution" means a facility in which persons are confined as a result of a conviction of a criminal offense, including persons under 21 years of age.

"Child" means, for the purpose of this Part, a person under 21 years of age.

"Custody" means custody as defined by State law. However, for the purposes of this Part a child who resides in an institution 24 hours a day is deemed to be in the custody of the public agency that assigned him or her to that institution.

"Institution" means either an institution for neglected children, an institution for delinquent children, or an adult correctional institution.

"Institution for delinquent children" means a facility which is operated for the care of children who are in the custody of a public agency as a result of a finding under State law that they are either (a) delinquent or (b) in need of treatment or supervision after being charged with a violation of State law, and which has an average length of stay of at least 30 days.

"Institution for neglected children" means a facility (other than a foster home) which is operated for the care of children who are in the custody of a public agency as the result of a finding of neglect under State law, and which has an average length of stay of at least 30 days.

"State agency" means an agency of State government which is directly responsible for the free public education of children in institutions for neglected or delinquent children or in adult correctional institutions. (This education may be provided in schools operated or supported by the State agency or in schools under contract or other arrangement with that agency.) The term does not include an agency whose responsibility for these children is limited to the distribution of State financial assistance to other agencies which State law makes directly responsible for the free public education of these children.

(20 U.S.C. 241c-3.)

Subpart B—Amounts Available for Grants and Payments

§ 116c.3 Grants which a State agency is eligible to receive.

(a) From information supplied by a State agency, the Commissioner shall:

(1) Determine the amount that a State agency (other than the State agency for Puerto Rico) is eligible to receive under this Part for any fiscal year in accordance with the provisions of sections 123, 124, and 125 of Title I of the Act and § 116c.5; and

(2) Determine the amount available for a State agency in Puerto Rico in accordance with sections 123 and 125 of Title I of the Act and § 116c.5.

(b) The Commissioner shall inform the State educational agency of each State of the results of these determinations.

(c) For the purpose of computing an allocation under this Part, the Commissioner may not count a child who is counted in average daily attendance under the provisions of Part 116b (State Operated Programs for Handicapped Children) of this chapter.

(20 U.S.C. 241c-3.)

§ 116c.4 Amounts available for grants.

The State educational agency shall notify each State agency of the amount available to it under § 116c.3 and from that amount shall make funds available to the State agency equal to the cost of programs and projects approved by the State educational agency in accordance with the procedure prescribed by Subpart C of this Part. The amount made available to a State agency under this section shall not exceed the amount the agency is entitled to receive under § 116c.3.

(20 U.S.C. 241c-3, 241g(a).)

§ 116c.5 Determination of average daily attendance.

(a) To be counted in average daily attendance, a child must be:

(1) In the custody of the public agency that assigned him or her to an institution;

(2) One for whom a State agency is providing a free public education; and

(3) In an organized program of instruction (not beyond grade 12), at least five hours per week.

(b) Average daily attendance is computed for each institution on the basis of daily records for the number of days the organized program of instruction was in session during the most recently completed school year.

(c) For the purpose of computing average daily attendance:

(1) A child is counted as being in a full day of attendance for each day he or she attends the organized program of instruction for three (3) or more hours; and

(2) A child is counted as being in one-half (½) day of attendance for each day he or she attends the organized program of instruction for at least one (1) hour, but less than three (3) hours.

(d) For the purpose of this section, an organized program of instruction means an educational program which consists of classroom instruction in basic school subjects such as reading, mathematics, and vocationally oriented subjects, and which is supported by other than Federal funds. Neither the manufacture of goods within the institution nor activities related to institutional maintenance are considered classroom instruction.

(20 U.S.C. 241c-3.)

Subpart C—Program Requirements

§ 116c.11 Applications.

A State agency may apply to the State educational agency for a grant or grants of Federal funds under this Part in the amount authorized by §§ 116c.3 and 116c.4 to be used to meet the special educational needs of children eligible to be counted in average daily attendance in accordance with § 116c.5.

(20 U.S.C. 241c-3, 241e(a), 244(6)(B).)

§ 116c.12 Information required in applications.

The State agency shall include the following information in each application it makes to the State educational agency as authorized by § 116c.11.

(a) *Institutional information.* With respect to each institution at which Title I funded services are to be provided, the application must include:

(1) The name and location;

(2) The classification (i.e., adult correctional, delinquent, or neglected);

(3) The total population at time of application;

(4) The total number of children at the time of application;

(5) The total number of children eligible to be counted in average daily attendance at the time of application;

(6) A description of the nature and scope of the education program currently being conducted for those children counted in paragraph (a)(5) of this section with funds other than those provided under this Part, including types of instruction, number of children being served and number of staff employed in each major area or component, and source of funding.

(b) *Needs assessment.* With respect to the educational needs of the children to be served, the application must include:

(1) A description of the procedures (including objective measures of educational achievement and special diagnostic tests) used to determine the special educational needs of the children eligible to be served, as well as a description of the additional procedures the State agency intends to employ;

(2) An analysis of the results of those procedures, including the special educational needs identified and the number of eligible children exhibiting those needs; and

(3) A summary evaluation of the effectiveness of similar past projects funded by section 123 of Title I in accomplishing their objectives.

(c) *Project descriptions.* With respect to the proposed project, the application must include:

(1) A statement of the educational objectives of the proposed project and the related performance criteria;

(2) A description of each service to be provided as a means of accomplishing the project's objectives;

(3) The estimated number of children to be served by age and anticipated grade placement;

(4) A description of the type and number of staff to be employed, and of any inservice training (including the type of training, frequency, and number and type of staff members who will participate in that training);

(5) A budget based on categories of expenditure prescribed by the State educational agency with appropriate detail by service and by institution;

(6) A description of the use of Title I funds for construction or equipment in accordance with 45 CFR 116.32; and

(7) A description of the procedures and instruments by which the effectiveness of the program will be evaluated, in accordance with 45 CFR 116.43(a).

(20 U.S.C. 241c-3, 241e(a), 244(6)(B).)

§ 116c.13 Criteria for the approval of applications.

A State educational agency shall approve a project for which an application has been made only if it determines that the project is of sufficient size, scope, and quality to give reasonable promise of substantial progress toward meeting the special educational needs of the children to be served. This determination may be made only upon a finding that:

(a) The application contains the information required by § 116c.12 and demonstrates compliance with all other requirements in this Part and the applicable requirements of Parts 100, 100b, 100c, and 116 of this Title;

(b) The project set forth in the application is designed:

(1) To meet the special educational needs of the children to be served, as identified in accordance with § 116c.12(b); and

(2) To supplement the existing programs described in accordance with § 116c.12(a)(6);

(c) The evaluation plans comply with 45 CFR 116.43 and are adequate for measuring the attainment of the objectives described in the application in accordance with § 116c.12(c)(1);

(d) No funds other than those authorized by Title I of the Act are available to provide the services proposed in the application; and

(e) The project has not been designed to meet, nor will it have the effect of meeting, the general needs of the institution, a school within the institution, the student body at large, or the needs of a specified grade within that school.

(20 U.S.C. 241c-3, 241e(a), 244(6)(B).)

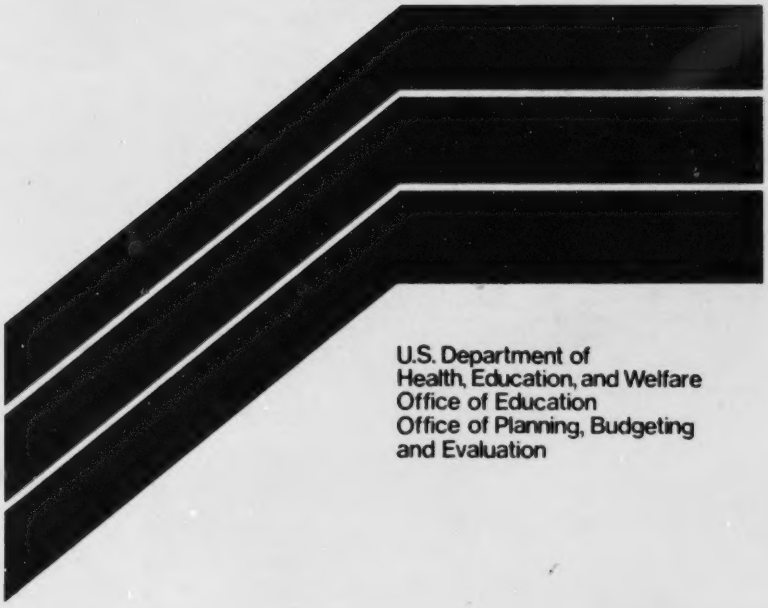
[FR Doc 77-10137 Filed 4-11-77;8:45 am]

Appendix 3

EVALUATION STUDY
Executive Summary

TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 IN STATE INSTITUTIONS FOR THE NEGLECTED OR DELINQUENT:

A National Evaluation, Phase I
October, 1977 (revised)



U.S. Department of
Health, Education, and Welfare
Office of Education
Office of Planning, Budgeting
and Evaluation

On November 3, 1966, Title I of the Elementary and Secondary Education Act of 1965 (Public Law 89-10) was amended to add institutionalized neglected or delinquent youth (as well as children of migratory agricultural workers and Indian children in B.I.A. schools) to those eligible to receive services under the program. Section 123 of P.L. 89-10 establishes the eligibility requirements, allocation formula, and goals of Title I programs for neglected or delinquent children in State institutions; specifically, regarding the program's goals, subsection (c) states that the projects must be "designed to meet the special educational needs of such children" (P.L. 89-10, Section 123 (c)).

The Office of Planning, Budgeting, and Evaluation of the U.S. Office of Education has just completed the first phase of a national evaluation of the Title I program for neglected or delinquent youth in State institutions.* One of three phases, the first was designed to provide descriptive information about the program nationwide; the second will yield estimates of the impact of the program; the third will develop evaluation models for use by State and project administrators (as required under Section 151 of Public Law 89-10 as amended). This Executive Summary presents the findings of the first phase (conducted under contract by System Development Corporation of Santa Monica, California).

The findings are presented in general areas describing (1) the children served by the program, (2) the nature of those services, (3) the funding process, and (4) the opinions of persons surveyed about the program. Data are based on interviews during the fall of 1976 with all State administrators involved in the program (those in both the State educational agency and the agencies -- such as Department of Corrections -- responsible for the institutions) and with facility personnel such as wardens, education directors, and teachers in a representative sample of 100 institutions nationwide.

The major findings from this first descriptive phase are:

- Nearly 27,000 institutionalized youth receive Title I services compared to just over 51,000 estimated as eligible for the program.

- Title I students are younger than the general institutionalized population; nearly 2/3 are under 18 years of age.

---

* Youth in local institutions are also served under Title I, but their education is most often provided through the local education agency (LEA); and in fact, such children are counted for the basis of computing an LEA's Title I grant (Public Law 89-10 Section 101 (c)). This evaluation focuses on the program in State institutions.

- Services in reading and mathematics account for nearly 70% of the Title I expenditures in the facilities.

- Per-pupil expenditures for Title I students averaged about $1358 of which about $456 was from Title I; however, these figures fluctuate greatly across sites.

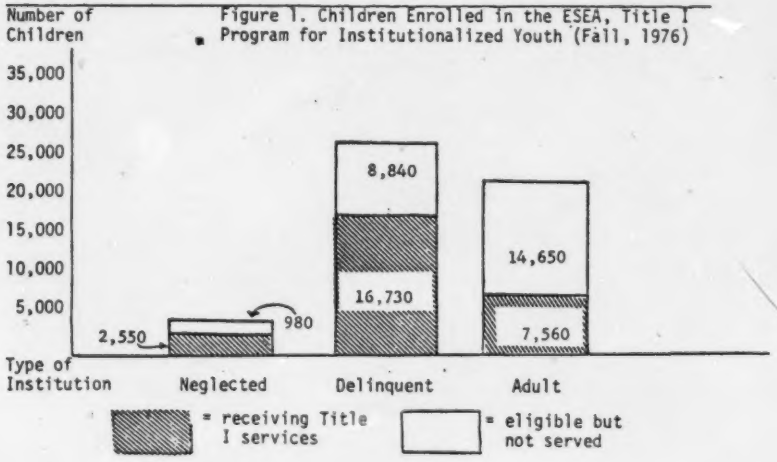
- Opinions about the program were very positive with strengths most often mentioned in its emphasis on basic skills and individualized instruction; weaknesses cited most frequently were the restrictive guidelines and insufficient funds.

Children Served

Title I serves nearly 27,000 youth in three types of State institutions: those for delinquents, for the neglected, or for adults (but also housing persons under 21 years of age). Of the 621 institutions eligible to receive funds for the 76-77 school year, 437 were found to be participating. Most of those not participating had very few residents eligible for Title I services (that is, under 21 years of age and not high school graduates).

The numbers of children being served are shown in Figure 1 below. Also illustrated there are estimates of eligible children not being served by Title I. About 72% of the eligible neglected children in these institutions are being served by Title I, about 65% of the eligible delinquents, about 34% of the youth in facilities for adults.

Figure 1. Children Enrolled in the ESEA, Title I Program for Institutionalized Youth (Fall, 1976)



The proportion of eligible students served by Title I varies considerably across institutions and by type of institution. Fewer than half of the eligible students are served in 60% of the facilities for adults; about 40% of institutions for the delinquents or neglected serve fewer than half of their eligible students. Nationwide, 55% of all institutions serve more than half of their eligibles; 20% serve all eligibles.

The children participating in Title I greatly resemble those in the institutions as a whole, except, as would be expected, they are younger. With regard to sex, race, and commitment status, they are not significantly different from the general resident population. Also, their average length of stay is similar to that of the other residents: about 20 months in institutions for the neglected, about 8 months in facilities for delinquents, and about 18 months in those for adults.

Title I services

The nature of Title I services varies considerably from site to site according to how education, itself, is organized in the facilities. In some cases, the facility may have the appearance of a junior college campus with security concerns only slightly in evidence. In such a case, residents might be expected to live in small (10-15 persons) cottages and to move freely to other buildings, such as that for classes. On the other hand, a facility with an obvious, over-riding orientation toward security might consist merely of a large fenced-in building with two classrooms, perhaps a shop and library, in one wing. Occasionally classes might be held in multi-purpose rooms serving as dining halls or gymnasiums.

Just as the physical setting for education varies substantially, so too do the attention paid to it by staff and the requirements upon residents to take it seriously. In some cases, education in such a facility must, according to State law, be comparable to that of public schools. Residents must attend classes, and their progress is sometimes rewarded by access to better living areas (those with color television, for example) and to special privileges. In such a case, the residents' school day looks much like that in regular schools. In contrast are the institutions in which only a small percentage of the inmates are in education activities, or those (18% of the cases) in which those activities are not accredited by the State.

Hence, education in the institutions varies considerably, and, consequently, so does Title I. Participation in a Title I project can be described in terms of the needs assessment and selection processes, the actual delivery of services, and the evaluation of those services in the institutional setting.

Needs assessment

Diagnostic testing (either at the institution itself or in a State facility maintained especially for that purpose) is used most frequently to assess residents' needs and to select them for participation in Title I. This testing almost always assesses academic achievement, and may be supplemented by tests for special learning problems (in half the cases) or by inventories measuring IQ, attitudinal, or personality traits (in one-third of the cases).

Services

The Title I services offered to participating children are primarily in the areas of reading and mathematics. (Over 4/5 of the projects were in one or the other, and they account for about 70% of the funds spent.) Occasionally the services also focus on cultural enrichment, social studies, other academic areas, counseling, or special education. These are viewed as supplementary services offered in addition to the institutions' regular educational programs* which are elementary education (in over 60% of the cases), a secondary school curriculum (in 60% of the facilities), preparation for a General Education Diploma (in over half), remedial education other than Title I (in about one-third), special education (in about 10%), and vocational education (in about 85%).

A review of instructional areas emphasized in reading showed them to be most frequently vocabulary, word recognition, phonetics, literal comprehension, following directions, and listening. A similar review of the math curriculum showed emphasis on fundamental operations, practical math, measurement, and word problems. Materials used were most often student worksheets and audio-visual presentations.

Title I classrooms were observed in order to describe how the instruction is actually organized. Students spend a little over 1/3 of their time, on the average, working alone with instructional equipment (except in institutions for delinquents where the use of equipment was far less frequent). The next highest proportion of time is spent working individually with the teacher (about 1/4 of the time, on the average). Only in institutions for the neglected did Title I classes spend much time working together as whole units (about 20% of the time).

---

* In order to receive Title I funds, the institution must be offering a regular education program which is defined in the regulations as "classroom instruction in basic school subjects such as reading, mathematics, and vocationally oriented subjects, and which is supported by other than Federal funds. Neither the manufacture of goods within the institution nor activities related to institutional maintenance are considered classroom instruction" (Federal Register, April 12, 1977, p. 19289).

Project evaluation

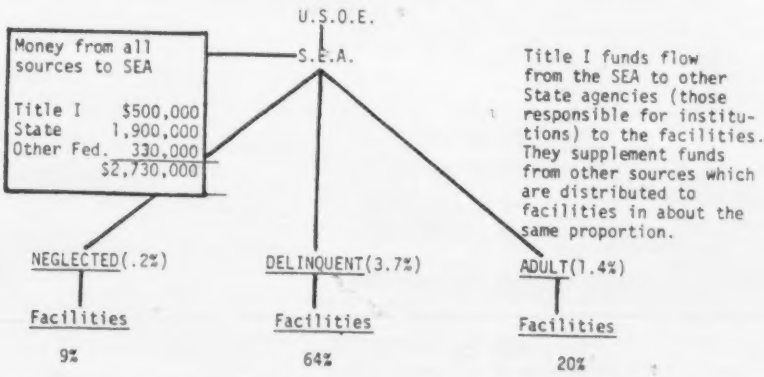
Evaluation of Title I services is required by law and most typically focuses on student achievement and attitudes, involving in almost all cases the use of standardized tests or locally developed instruments. Projects are also evaluated according to their degree of implementation.

Many personnel cited problems in evaluating their projects due to lack of appropriate test instruments, students' differing length of participation, and lack of staff expertise. These problems will be addressed directly during Phase III of this study in the formulation of evaluation models for this setting.

Funding

ESEA, Title I represents the second largest source of monies for education in State facilities. On the average, an SEA receives about $500,000 from Title I for education in State institutions, and the figures range from $24,000 to over $2.2 million.* These funds supplement those from the State

Figure 2. Flow of Funds



(Figures in parentheses reflect funds used for administration.)

* The monies received by the SEA are a total of the grants allocated to each of the agencies administering eligible institutions. Grants are computed by a formula using the average daily attendance of youth in educational programs in the institutions multiplied by 40% of the State's average per-pupil expenditure (but not less than 80% of the national average, nor more than 120%) (Public Law 89-10, Section 123(b)). Further, Section 125 provides that no State receives less than 100% of its grant the previous year.

(about $1.9 million on the average). States also receive an average of $330,000 from other Federal sources (Department of Justice, etc.). This makes the total funds available at the State level for education in institutions about $2.7 million, ranging from $173,000 to over $10 million.

Figure 2 shows the distribution of Title I funds from the SEA to the agencies administering programs to facilities. On the average, institutions for delinquent youth receive over 3/5 of the monies, for adults about 1/5, and for the neglected about 1/10. The flow of State monies reflects this same distribution, although at the facility level, the expenditure pattern differs by source of funds. About 75% of Title I funds support staff (mostly classroom personnel); approximately 81% of the State funds are so used (but half for non-classroom staff); 40% of the other Federal monies are spent for staff, most of whom are non-classroom personnel.

Opinions about the program

People at all levels of the program were asked their opinions about its strengths and weaknesses. State personnel, facility administrators, and teachers mentioned most often its emphasis on basic skills and individualized instruction as strengths. (Teachers also noted its provisions for the purchase of instructional equipment as a strength.) Most frequent weaknesses cited were restrictive guidelines and insufficient funds, although the pattern of response to this item varied by group somewhat: State agency administrators outside the SEA (i.e., those in Corrections, etc.) and facility administrators cited the guidelines' emphasis on basic skills as a fault most often; State educators and teachers mentioned it in this way far less frequently. All groups noted funding problems. About 56% of the 1500 students polled said their Title I classes in reading were teaching them more than other reading classes had. A similar proportion reported this about their Title I math classes.

As mentioned above, the next phase of this study will address the effects of the program on participants' performance in the basic skills and attitudinal development. Evaluation models will also be developed for use by State and project personnel in assessing and reporting Title I impacts in their sites.

Appendix 4

CORRECTIONAL EDUCATION ASSOCIATION

Official Publication-The Journal of Correctional Education

AFFILIATE OF THE AMERICAN CORRECTIONAL ASSOCIATION

400 State Armory Building, Springfield, IL 62706

HARTZELL L. BLACK
President

ROBERT TERHUNE
President Elect

PAT FORNASH
Vice President

CHRIS TRACY
Secretary Treasurer

JOSEPH N. TICHY
Director of Region I

CLEOPATRA TAYLOR
Director of Region II

RODNEY AHITOW
Director of Region III

AL MARESH
Director of Region IV

ALLEN HEIL
Director of Region V

THOMAS C. HARTLEY
Director of Region VI

TRUMBULL W. KELLY
Director of Region VII

A. R. "SANDY" TUTEN
Director of Region VIII

JOYCE ANDERSON
Editor of Journal

ACA Board Representatives

CHRIS TRACY
Representing C.E.A.

Elected Members

MARY ANN EVAN
LANE MURRAY, Ed. D.
CHARLES WHITSON

October 11, 1977

Senator Carl Perkins
United States Senate
Longworth House Office
Building - Room 2365
Washington, D.C. 20510

Dear Senator Perkins:

The Correctional Education Association Region III, the educational affiliate of A.C.A., includes educators, administrators, clinicians and counselors in correctional programs from Kentucky, Ohio, Illinois, Tennessee, Indiana, Missouri, Michigan and Wisconsin. As a professional organization concerned in educating incarcerated students, we would like to take this opportunity to support the reauthorization of Title I E.S.E.A.

Since December 1966, Title I has provided supplemental services to over 20,000 students within this eight (8) state region. It has lead to a notable increase in the basic skills of these students as well as providing targeted students with a better opportunity for a successful parole and a greater opportunity for successful reintergration back into the public school system and back into the mainstream of society. The educational programs within our correctional centers in these eight (8) states would be noticeably reduced in its size, scope and quality if Title I were not reauthorized.

The C.E.A. Region III makes the following recommendations which we would like you to consider during the reauthorization hearings.

1. Funds allocated to states should be maintained categorically.

2. Currently, programming can only be approved to those students under 21 years of age who are educationally disadvantaged--approximately 80% of

students incarcerated in this region are educationally disadvantaged regardless of age. We recommend removing the age barrier.

3. Provide follow-up Title I resources for community programs which would allow similar services to returning Title I students.

4. Average Daily Membership of residents whose achievement level is below 10.0 in Reading, Math and/or communicative skills should be used for determining funding limits rather than by residents who are in Average Daily Attendance in an educational program.

Your consideration of the above is appreciated. We have certainly been grateful for the help this program has given to the residents in our eight (8) state region. It is our hope we may be able to continue this fine effort.

Sincerely,

Rodney Ahitow
Director - Region III

GROVE CITY AREA SCHOOL DISTRICT
POST OFFICE BOX 471
GROVE CITY, PENNSYLVANIA 16127
TELEPHONE 412-458-9330

HARRY O. WOLFE, Jr., PhD., Superintendent
KENNETH W. MILLS, PhD., Assistant Superintendent

GEORGE L. TUCCI, Principal
Penna. Junior Republic

October 10, 1977

SUBJECT: Written Testimony Concerning Neglected and Delinquent Children Under Title I of the Elementary and Secondary Education Act

TO: Sub-Committee on Elementary, Secondary and Vocational Education
Room B-346C
Rayburn House Office Building
Washington, D.C. 20515

FROM: George L. Tucci, Principal
George Junior Republic School
Grove City Area School District
Grove City, Pennsylvania 16127

1. Since I have previous written letters to Representative Mark Lincoln Marks, 24th District of Pennsylvania and Senator H. John Heinz III, US. Senate, Pennsylvania and received replies from these gentlemen, I will use all these as my testimony; in addition to letters they received from Chairman Carl D. Perkins and Assoc. Commissioner John H. Rodriguez.

2. Exhibit 1 - Original letter to Senator Heinz, and Rep. Marks from me, dated March 31, 1977

   Exhibit 2 - Reply from Rep. Marks, dated May 16, 1977

   Exhibit 3 - Letter from Rep. Marks to the Honorable Carl D. Perkins, dated May 16, 1977

   Exhibit 4 - Letter from Chairman Perkins to Rep. Marks, dated May 26, 1977

   Exhibit 5 - Letter from Senator Heinz, dated May 31, 1977

   Exhibit 6 - Letter from Rep. Marks, dated June 28, 1977

   Exhibit 7 - Letter from Senator Heinz, dated July 12, 1977

   Exhibit 8 - Letter from John H. Rodriguez, Assoc. Commissioner for Compensatory Educational Programs to Senator Heinz, date July 6, 1977

   Exhibit 9 - Letter to Senator Heinz, dated July 22, 1977

   Exhibit 10 - Letter to Rep. Marks, dated July 22, 1977

3. Summing up, I firmly believe that there is discrimination in the present law, not only against the students but against the adjudicating authority and the school districts who must serve these students and provide an equitable program of education for them, not only in the academics but also in vocational training.

Thank you for your concern.

George L. Tucci

George L. Tucci
Principal

EXHIBIT 1.

GROVE CITY AREA SCHOOL DISTRICT
POST OFFICE BOX 471
GROVE CITY, PENNSYLVANIA 16127
TELEPHONE 412-458-9330

HARRY O. WOLFE Jr., PhD., Superintendent
EZRA W. MILLS, PhD., Assistant Superintendent

GEORGE L. TUCCI, Principal
Penna. Junior Republic

March 31, 1977

The Honorable John Heinz
United State Senate
Washington, D.C. 20510

Dear Senator Heinz:

Reference is made to Title I Elementary and Secondary Education Act. (ESEA)

I am the Principal of the George Junior Republic School of the Grove City Area School District.

The Grove City Area School District is the local education agency responsible for the administration of the education program at the George Junior Republic Institution, a private institution for neglected and delinquent boys. These boys are committed by the various Juvenile Courts of Pennsylvania plus a few students from Ohio, Maryland and Washington, D.C. The total population of the institution is approximately 200 students ranging in age from 13 to 18 years.

I have been told that the Federal law states that any neglected/delinquent student in state institutions receives a full share, usually amounting to $700 - $1,000 per student as opposed to $230 per student in a private institution even though the same court may commit students to either type of institution thus the inequity of funding or penalty to the child, fund-wise, if placed in a private institution.

Two young people committing the same offense, depending on the courts decision is entitled to more or less money for educational rehabilitation because of the law stating those in state institutions will receive a larger sum and those in private institutions will receive a smaller sum.

Identification of students is one thing, identification of institutions has nothing to do with it in my estimation. In my phone conversations to the people in charge of Title I Funds in Harrisburg, they indicate that they also agree with me but can do nothing to help the situation.

Could you possibly look into this matter, it seems to me that there needs to be a change in the law so that funding is based on neglected/delinquent as opposed to where the judge sends the young people for rehabilitation.

I am looking forward to hearing from you.

Sincerely yours,

George L. Tucci
Principal

cc: Representative Marc L. Marks

EXHIBIT 2

MARC LINCOLN MARKS
24th District, Pennsylvania

COMMITTEES:
INTERSTATE AND FOREIGN COMMERCE
DISTRICT OF COLUMBIA
SELECT COMMITTEE ON AGING

Congress of the United States
House of Representatives
Washington, D.C. 20515

WASHINGTON OFFICE:
1213 Longworth House Office Building
Washington, D.C. 20515
(202) 225-5406

DISTRICT OFFICES:
108 Federal Office Building
Erie, Pennsylvania 16501
(814) 455-1313

91 East State Street
Sharon, Pennsylvania 16146
(412) 981-7600

208 Professional Building
231 Chestnut Street
Meadville, Pennsylvania 16335
(814) 724-6713

May 16, 1977

Mr. George L. Tucci
Principal
George Junior Republic School
P.O. Box 471
Grove City, Pennsylvania 16127

Dear George:

Thank you for your letter regarding Title I Elementary and Secondary Education funds.

I have checked with Office of Education officials here in Washington to determine why the law was written like this. They concurred with your statements that funding levels for state institutions and for private facilities are indeed different, although they felt that the figure of $922.00 was probably more accurate for the state supplement. Apparently the fact that private institutions are serviced by local school districts has some bearing on this; state funds appear to come right off the top.

It was HEW's feeling that the total level of funding would be lowered if an attempt was made to equalize benefits. However, your point is well taken in that the law actually discriminates against those students who are placed in private institutions.

To my knowledge no one has made an attempt to change this provision in the law. However, the Subcommittee on Elementary, Secondary and Vocational Education of the House Education and Labor Committee has scheduled hearings on Title I funding for September, and I have asked the Chairman of the Committee to include this subject in the hearings at that time. Enclosed is a copy of my letter to him.

I appreciate your bringing this matter to my attention and I'll certainly keep you advised of any action taken.

Sincerely,

Marc Lincoln Marks
Member of Congress

MLM/p

97-889 O - 77 - 3

EXHIBIT 3

MARC LINCOLN MARKS
24th District, Pennsylvania

COMMITTEES:

INTERSTATE AND FOREIGN COMMERCE
DISTRICT OF COLUMBIA
SELECT COMMITTEE ON AGING

Congress of the United States
House of Representatives
Washington, D.C. 20515

WASHINGTON OFFICE:
1213 Longworth House Office Building
Washington, D.C. 20515
(202) 225-5406

DISTRICT OFFICES:
108 Federal Office Building
Erie, Pennsylvania 16501
(814) 455-1313

91 East State Street
Sharon, Pennsylvania 16146
(412) 981-7600

208 Professional Building
231 Chestnut Street
Meadville, Pennsylvania 16335
(814) 724-6713

May 16, 1977

The Honorable Carl D. Perkins
Chairman
Subcommittee on Elementary, Secondary
and Vocational Education
House Education and Labor Committee
Room 2181 Rayburn
Washington, D.C. 20515

Dear Carl:

Attached is a copy of a letter I have received from one of my constituents, Mr. George Tucci, Principal of the George Junior Republic in Grove City, Pennsylvania.

I believe Mr. Tucci has made a valid point in his letter. It would appear that as the law is written, a student really is penalized financially if he or she is sent to a private institution.

I understand that you have scheduled Title I hearings for September. I hope you will give this matter your attention at that time.

Thanks very much.

Sincerely,

Marc Lincoln Marks
Member of Congress

MLM/p

Enclosure

bcc: George Tucci

EXHIBIT 4

MAJORITY MEMBERS
CARL D. PERKINS, KY., CHAIRMAN
WILLIAM D. FORD, MICH.
JOE MOAKLEY, MASS.
MICHAEL O. MYERS, PA.
PAUL SIMON, ILL.
LEO ZEFERETTI, N.Y.
RONALD MOTTL, OHIO
AUSTIN J. MURPHY, PA.
JOSEPH A. LE FANTE, N.J.
TED WEISS, N.Y.
GEO. MILLER, CALIF.
BALTASAR CORRADA, P.R.
DALE E. KILDEE, MICH.
GEORGE MILLER, CALIF.
225-4368

MINORITY MEMBERS
ALBERT H. QUIE, MINN.
JOHN BUCHANAN, ALA.
LARRY PRESSLER, S. DAK.
WILLIAM GOODLING, PA.
SHIRLEY N. PETTIS, CALIF.
CARL D. PURSELL, MICH.

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
COMMITTEE ON EDUCATION AND LABOR
SUBCOMMITTEE ON ELEMENTARY, SECONDARY
AND VOCATIONAL EDUCATION
B-346C RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515

May 26, 1977

Honorable Marc Lincoln Marks
Member of Congress
U. S. House of Representatives
Washington, D. C.

Dear Colleague:

Thank you very much for your recent letter concerning some funding problems being experienced in the program for neglected and delinquent children authorized under Title I of the Elementary and Secondary Education Act.

I especially appreciate knowing of the views of Mr. George Tucci, Principal of the George Junior Republic in Grove City, Pa. concerning this issue.

The Subcommittee on Elementary, Secondary, and Vocational Education has scheduled testimony on that program in September, October, and November of this year. I know that at that time we will be discussing funding of the Neglected and Delinquent Youth program and you can be assured that Mr. Tucci's concerns, and yours, will be brought to the attention of the Committee.

Thank you again for your letter.

Sincerely,

Carl D. Perkins
Chairman

ABRAHAM RIBICOFF, CONN., CHAIRMAN
JOHN L. MC CLELLAN, ARK.
HENRY M. JACKSON, WASH.
EDMUND S. MUSKIE, MAINE
LEE METCALF, MONT.
THOMAS F. EAGLETON, MO.
LAWTON CHILES, FLA.
SAM NUNN, GA.
JOHN GLENN, OHIO
JIM SASSER, TENN.
CHARLES H. PERCY, ILL.
JACOB K. JAVITS, N.Y.
WILLIAM V. ROTH, JR., DEL.
TED STEVENS, ALASKA
CHARLES MC C. MATHIAS, JR., MD.
JOHN C. DANFORTH, MO.
H. JOHN HEINZ III, PA.
RICHARD A. WEGMAN
CHIEF COUNSEL AND STAFF DIRECTOR

United States Senate
COMMITTEE ON
GOVERNMENTAL AFFAIRS
WASHINGTON, D.C. 20510

May 31, 1977

Mr. George L. Tucci
Principal
Grove City Area School District
P.O. Box 471
Grove City, Pennsylvania 16127

Dear Mr. Tucci:

Thank you very much for contacting me concerning Title I of the Elementary and Secondary Education Act.

In order to be of assistance, I have asked officials at the Department of Health, Education and Welfare to respond to the points that you have raised.

As soon as I receive their reply, I will be back in touch with you.

Thank you again, Mr. Tucci, for giving me this opportunity to assist you.

Sincerely,

H. John Heinz III, U.S.S.

HJH/mjh

EXHIBIT 6

MARC LINCOLN MARKS
24TH DISTRICT, PENNSYLVANIA

COMMITTEES:
INTERSTATE AND FOREIGN COMMERCE
DISTRICT OF COLUMBIA
SELECT COMMITTEE ON AGING

Congress of the United States
House of Representatives
Washington, D.C. 20515

WASHINGTON OFFICE:
1213 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
(202) 225-5406

DISTRICT OFFICES:
108 FEDERAL OFFICE BUILDING
ERIE, PENNSYLVANIA 16501
(814) 455-1213

91 EAST STATE STREET
SHARON, PENNSYLVANIA 16146
(412) 981-7600

208 PROFESSIONAL BUILDING
231 CHESTNUT STREET
MEADVILLE, PENNSYLVANIA 16335
(814) 724-6713

June 28, 1977

Mr. George Tucci
Principal
George Junior Republic School
P.O. Box 471
Grove City, Pennsylvania 16127

Dear George:

I thought you should have the letter I received from the Chairman of the Subcommittee on Elementary, Secondary, and Vocational Education, regarding funding under Title I of the Elementary and Secondary Education Act.

Please let me know if you have any further input.

Best regards.

Sincerely,

Marc Lincoln Marks
Member of Congress

MLM/o

Enclosure

EXHIBIT 7

WILLIAM PROXMIRE, WIS., CHAIRMAN
JOHN SPARKMAN, ALA.
HARRISON A. WILLIAMS, JR., N.J.
THOMAS J. MCINTYRE, N.H.
ALAN CRANSTON, CALIF.
ADLAI E. STEVENSON, ILL.
ROBERT MORGAN, N.C.
DONALD W. RIEGLE, JR., MICH.
PAUL S. SARBANES, MD.
EDWARD W. BROOKE, MASS.
JOHN TOWER, TEX.
JAKE GARN, UTAH
H. JOHN HEINZ III, PA.
RICHARD G. LUGAR, IND.
[illegible] DeCONCINI, ARIZ.

KENNETH A. McLEAN, STAFF DIRECTOR
JEREMIAH S. BUCKLEY, MINORITY STAFF DIRECTOR
MARY FRANCES DE LA PAVA, CHIEF CLERK

United States Senate

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS
WASHINGTON, D.C. 20510

July 12, 1977

Mr. George L. Tucci
Grove City Area School District
P.O. Box 471
Grove City, Pennsylvania 16127

Dear Mr. Tucci:

Enclosed is a letter from the Department of Health, Education and Welfare in response to the inquiry I made on your behalf.

I hope you will find the enclosed information useful and informative. Please do not hesitate to call on me when there is something I can do to help.

With every good wish,

Sincerely,

John Heinz

H. John Heinz III, U.S.S.

HJH/mjh
Enclosure

EXHIBIT 8

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF EDUCATION
WASHINGTON, D.C. 20202

JUL 6

Honorable H. John Heinz, III
United States Senate
Washington, D.C.

Dear Senator Heinz:

This is in response to your inquiry of May 24 on behalf of Mr. George L. Tucci, Principal, Pennsylvania Junior Republic, Grove City Area School District, Grove City, Pennsylvania, concerning allocations for neglected or delinquent children in local and State institutions under Title I, Elementary and Secondary Education Act.

As Mr. Tucci states, Title I does establish different formulae for allocations to State and local institutions. A State agency responsible for providing free public education for children in institutions for neglected or delinquent children is entitled to an allocation based on the number of children in average daily attendance in school multiplied by 40 percent of the State average per pupil expenditure (or not less than 80 percent nor more than 120 percent of the national average per pupil expenditure.) In addition, the State is guaranteed the amount it received in the preceding year and, out of any funds appropriated, the allocation for the State agencies is funded in full.

Amounts available to serve neglected or delinquent children in local institutions are included in the allocations to local educational agencies. These grants are made available for programs to serve educationally deprived children in school attendance areas having high concentrations of children from low-income families and children living in institutions for neglected or delinquent children. The maximum amount of these grants is determined by multiplying the number of children, aged 5-17 inclusive from poverty families as determined by the 1970 census, 2/3 of the number of children in families receiving AFDC payments in excess of the poverty level for a nonfarm family of four, children living in institutions for neglected or delinquent children and foster children supported with public funds by 40 percent of the State average per pupil expenditure (or not less than 80 percent nor more than 120 percent of the national average per pupil expenditure.) When appropriations are not sufficient to fund the maximum grants, these grants are proportionately reduced to the amount remaining after all State agency programs, including the State agency program for neglected or delinquent children, have been fully funded. In fiscal year 1977,

grants to local educational agencies were funded at 39 percent of the maximum amount authorized.

The amount of the grant to the local educational agency required to be set aside for services to institutionalized children is the amount of the grant attributable to these children.

Because the local educational agency programs are funded at 39 percent of their authorized amount and State agency programs are fully funded, there is a wide variation in the amounts available to neglected or delinquent children in local and State institutions.

The State agency program for neglected or delinquent children is one of three State agency programs which are funded at their maximum authorization level. The other two programs are for handicapped children and migrant children.

House Report No. 93-805 dated February 21, 1974, makes specific reference as to why the State agency program for handicapped children was continued on a full funding basis in the Education Amendments of 1974.

The statement reads:

> "Realizing the drastic effect of Title I proration on these programs, the 90th Congress in P.L. 90-247, guaranteed the full funding of the P.L. 89-313 programs. Without this provision, these programs would have suffered the same serious setback as local Title I schools. While State institutions received an average of $427.68 per child in fiscal year 1972, without the full funding they would have received approximately only $342.00 per child. It is important to note that the cost of educating such children is over $2,000 per child. The Congressional commitment to full funding has enabled the institutions to plan ahead and to hire necessary staff."

No statement, however, was made with respect to the Migrant or neglected or delinquent State programs.

There would be major problems to be overcome in amending the legislation to provide full funding for services to children in local institutions. Any legislation which would authorize full funding grants directly to local institutions would eliminate services to many children because they are living in private institutions which could not be eligible for direct Federal grants. To authorize full funding for services to institutionalized children out of an already proportionally reduced local educational agency grant would result in a penalization of the other children eligible to be served.

I hope this information will be helpful to you. Please let me know if you have further questions.

Sincerely yours,

John F. Rodriguez, M.D.
Associate Commissioner for
Compensatory Educational Programs

EXHIBIT 9

GROVE CITY AREA SCHOOL DISTRICT
POST OFFICE BOX 477
GROVE CITY, PENNSYLVANIA 16127
TELEPHONE 412-458-6330

HARRY O. WOLFE II, Ph.D., Superintendent
KENNETH W. MILLS, Ph.D., Assistant Superintendent

GEORGE L. TUCCI, Principal
Penna. Junior Republic

July 22, 1977

Honorable H. John Heinz, III
United States Senate
Washington, D.C. 20202

Dear Senator Heinz:

Thank you very much for your letter in response to mine with reference on funding for our Neglected-Delinquent students under ESEA Title I and for Dr. John Rodriguez, Associate Commissioner for Compensatory Educational Programs, letter.

I have read Dr. Rodriguez's letter and have only one comment, it's a lot of double talk to avoid and correct the situation that exists in lower funding for students in private institutions through no fault of their own.

I do not work for the institution but for the local school district, tasked with the education of these students, with the meager funds that the State allows the district just because they, the students, were not committed to a State institution.

I have been working with local representatives for correction of our regular school funding reimbursement which is all fouled up, it is based on the cost per pupil in Grove City Schools rather than a neglected-delinquent student.

Getting back to my original request. I think it is about time, even though Dr. Rodriguez feels there are major problems to overcome in amending present legislation, to amend legislation.

What appears to be a satisfactory law is not, and I would be willing to appear before any committee to explain why it isn't. Whatever is being done now or in the past doesn't mean it is right or fair because no one has challenged it until now.

I am quite aware of educational costs for institutionalized children and when I see the tremendous amount that Intermediate Unit IV, they are the educational agency for the Youth Development Center in New Castle (state institution), and the amount that Grove City Area District receives for educating our students at the George Junior Republic, I am appalled that those educators in State and Federal service would allow such a difference.

By Dr. Rodriguez own admission, he states that it costs over $2000 per year to educate a neglected-delinquent child. We receive from all sources, regular or federal funds about 6/1 of that amount to help these children who are very much educationally deprived and need almost one to one attention in Reading and Math.

I ask that you please do what you can to correct this problem.

Sincerely,

George L. Tucci

George L. Tucci
Principal

GROVE CITY AREA SCHOOL DISTRICT
POST OFFICE BOX 471
GROVE CITY, PENNSYLVANIA 16127
TELEPHONE 458-6600

HARRY A. ROBERTS, Ph.D., Superintendent
EDWARD A. MILLS, Ph.D., Assistant Superintendent

GEORGE L. TUCCI, Principal
Penna. Junior Republic

EXHIBIT 10

July 22, 1977

Honorable Marc L. Marks
Member of Congress
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Marks:

Thank you for your quick action on the problem we feel we have in getting proper funding under the ESEA Title I funding for Neglected-Delinquent students in our school.

I appreciate Congressman Carl D. Perkins concern and the fact that he plans to look into this matter and bring it before his committee on Elementary, Secondary and Vocational Education.

I might offer, in addition to what I stated before, that the State Department of Education does take their bigger share of funds for State Institutions which is handled by a special director in the Department especially designated and responsible for the education of Neglected-Delinquent students in State Institutions. These funds are funneled through local education agencies, district schools or Intermediate Units. It would be no different to funnel these same funds for Neglected-Delinquent students who are in private institutions, through that district, like Grove City Area for George Junior Republic; because Grove City is like any other state school agency servicing a child adjudicated neglected-delinquent.

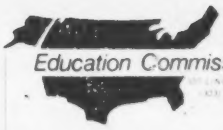
I would be willing to appear at any time before any committee and explain our side of the situation.

Thank you for your continued effort.

Sincerely,

George L. Tucci

George L. Tucci
Principal



November 24, 1975

Mr. John F. Jennings
Counsel, Subcommittee on Elementary,
Secondary and Vocational Education
B-346-C Rayburn House Office Bldg.
Washington, D. C. 20515

Dear Mr. Jennings:

Thank you for your October 20th letter requesting information about the relation of illiteracy among criminal offenders and recidivism.

We would like to send you the advisory committee's research report covering this entitled Correctional Education: A Forgotten Human Service. It is due to be published by mid-December and we will make certain that you are sent a copy. A second report assessing correctional education in the country will be published in January. This work is the product of staff work in all 50 states to obtain from key adult and juvenile corrections officials, legislators and educators, recommendations for improvement of correctional education. We will send you this as well.

To provide some advance research on the question that you asked, following is some research done by previous national commissions and research projects and profiled by ECS.

Educational Needs

- Unofficial estimates by the officials of the Federal Bureau of Prisons reflect that 20 to 50 percent of the approximately half-million adults incarcerated in American federal and state prisons can neither read nor write;

- Up to 90 percent of the adult clients of the penal system are school drop-outs;

- In a majority of those prisons, more than 50 percent of the adults incarcerated above 18 years of age have less than an eighth grade education;

- As many as 80 percent of the clients within some of the juvenile facilities are illiterate.

(Reform of Our Correctional Systems, The Select Committee on Crime: Washington, D.C., G.P.O., p. 16.)

Education and Education-Related Problems of Adult and Juvenile Offenders

ADULT STUDY		JUVENILE STUDY	
Problem	Percent	Problem	Percent
Learning handicap	58.99	Physical handi ap	4.00
Low intelligence.	30.71	Other remedia	47.00
Emotional problems.	53.19	Emotional handicap.	43.00
Lack of motivation.	64.79	Reading difficulty.	46.00
Disciplinary problems . . .	10.07	Culturally disadvantaged. . .	48.00
		Behavior or social problems .	71.00

(From a study of 190 adult and juvenile facilities and 3675 teachers in both kinds of institutions, Western Interstate Commission on Higher Education, 1975.)

There will be much more descriptive research about educational problems, conditions of educational services and relevant correcitons issues in the December and January reports.

With the above information, the arguement linking educational needs and problems to recidivism is the following: most of the people who end up in correctional systems have some kind of educational need which, particulary with adults, is not generally recognized or adequately addressed. Illiteracy, learning problems and poor job skills are the predominant ones. The recidivism rate across the country is extremely high - however recidivism is defined - from 40% to 90%.

The position the advisory committee has taken is that to the extent that we continue to largely ignore these very serious educational problems, we are denying offenders the abilities which mitigate against recommission of crimes because of the inability to cope "normally" within society. The question which the committee feels most important to the states is, "What is the purpose of corrections?" If corrections is to "correct," there are some very evident needs and an excellent opportunity to assist the states to look at ways of reallocating resources to meet these needs.

With other previous commissions, the committee recognizes that corrections has become the repository for the failures of other social services, including educational systems. It has, however, taken head-on the currently documented failure of our correctional systems. It has taken the position after its first few months of work that the costs for continuing failure will be more and more unacceptable to the states, and that as the repository for other systems' failures, corrections will have to begin addressing at least the most obvious needs in better ways.

These are, as you know, very difficult issues and we hope the reports will fill some of the current gaps in the knowledge of decision-makers across the country, and that they will be helpful to you.

Enclosed is a brochure about the ECS project and a list of committee members. If we can assist before mid-December with other questions you may have, we will be most happy to do what we can.

Thanks again for your interest and concern.

Sincerely,

David H. Friend
Associate Director
Correctional Education Project

DHF/ml

Enclosures

cc: Amber Scholtz

School District #428
400 State

October 11, 1977

Senator Carl Perkins
United States Senate
Longworth House Office
Building - Room 2365
Washington, D.C. 20510

Dear Senator Perkins:

After eleven years of successful Title I programs, the Illinois Department of Corrections is encouraged that Title I ESEA 89/750 Part C is being considered for reauthorization. Title I has enabled the Department to purchase needed instructional equipment that has lead to an increase in residents educational achievement. Educational achievement in the basic skills has proven to be helpful for residents upon parole in maintaining a successful school or vocational placement. Title I funds have further facilitated the Department's school programs in adapting an individualized instructional delivery method of instruction.

Without such Federal assistance, our educational programs would be considerably reduced in size, scope and quality.

During the reallocation hearings, please consider the following Illinois Department of Corrections suggestions or changes in existing regulations:

1. Funds allocated to States categorically (for a specific purpose) should be maintained.

2. Remove the upper age limit of 21 for whom Title I can provide services to as most of our residents above age 21 are in need of supplemental educational programs in Reading, Math and communications. Ninety percent (90%) of our correctional residents are functioning below the 12th grade in these skill areas.

3. Provide follow-up Title I resources for community programs which would allow similar services to returning students.

4. Average Daily Membership of residents, whose achievement level is below 12.0 in Reading, Math and communicative skills, should be used for determining funding limits rather than Average Daily Attendance of those residents in an educational program.

Your consideration of the above is appreciated. We have certainly been grateful for the help this program has given to the residents in our institutions. It is our hope we may be able to continue this fine effort.

Sincerely,

Charles J. Rowe
Director

CORRECTIONAL EDUCATION ASSOCIATION

Official Publication-The Journal of Correctional Education

AFFILIATE OF THE AMERICAN CORRECTIONAL ASSOCIATION

HARTZEL L. BLACK
President

ROBERT TERHUNE
President-Elect

PAT FORNASH
Vice President

CHRIS TRACY
Secretary-Treasurer

JOSEPH N. TICHY
Director of Region I

CLEOPATRA TAYLOR
Director of Region II

RODNEY AHITOW
Director of Region III

AL MARESH
Director of Region IV

ALLEN HEIL
Director of Region V

THOMAS C. HARTLEY
Director of Region VI

TRUMBULL W. KELLY
Director of Region VII

A. R. "SANDY" TUTEN
Director of Region VIII

JOYCE ANDERSON
Editor of Journal

ACA Board Representatives

CHRIS TRACY
Representing C.E.A.

Elected Members

MARY ANN EVAN
LANE MURRAY, Ed. D.
CHARLES WHITSON

October 20, 1977

The Honorable Carl Perkins
The House of Representatives
Longworth House Office Building
Room 2365
Washington, D.C. 20510

Dear Sir:

The National Correctional Education Association, an affiliate of the American Correctional Association, includes a wide range of institutional and non-institutional personnel. As President of the National Correctional Education Association I support and encourage you to support legislation pertaining to the reauthorization of Title I E.S.E.A.

Title I has provided many outstanding services for students who are confined within institutions throughout the United States. There has been notable increase in the academic skills achieved by students trained through the use of Title I funds. Academic levels for the target group have been increased to the point that the Title I students can achieve in a regular high school, GED and/or college program. This has been very beneficial for the incarcerated upon re-entering society and obtaining employment. If Title I was not reauthorized, the educational program within each institution would be greatly reduced and/or the services provided to the needed incarcerated could no longer occur.

The National Correctional Education Association makes the following recommendations which should be considered:

1) Funds allocated to states should be maintained categorically.

2) Currently, programming can only be approved to those students under 21 years of age who are educationally disadvantaged--approximately 80% of students incarcerated in this region are educationally disadvantaged regardless of age. We recommend removing the age barrier.

3) Provide follow-up Title I resources for community programs which would allow similar services to returning Title I students.

4) Average Daily Membership of residents whose achievement level is below 10.0 in Reading, Math and/or communicative skills should be used for determining funding limits rather than by residents who are in Average Daily Attendance in an educational program.

Your consideration of the reauthorization would be greatly appreciated. Correctional Educators within each institution have been very grateful for the help Title I programs has given to the residents throughout the years of existence. It is our hope this program will be able to continue with concerted effort to train academically deprived individuals and make them productive citizens of society, with hope that they would never return to a correctional center again.

Again, thank you very much.

Sincerely yours,

Hartzel L. Black

Hartzel L. Black, President
National Correctional Education Association
Vienna Correctional Center
Vienna, IL 62995

bjh

Youth Services
P O Box 21487/Columbia S C 29221
Telephone (803) 758-6592

Grady A Decell
Director

October 31, 1977

The Honorable Carl D. Perkins, Congressman
Raburn House Office Building
Room 2365
Washington, D. C. 20510

Dear Mr. Perkins:

I want to thank you for the invitation you extended to me to appear before your committee in early October to discuss the Title I program.

The meeting was most informative and I, for one, am deeply grateful to you for the services you are rendering as Chairman of this important committee.

In addition to my remarks made at the committee hearing, I would like to submit the following suggestions:

1. Change Title I Guidelines to include all Neglected and Delinquent youth, not just the "neediest" of the "needy".
2. Relax supplementary restrictions to allow for peak populations.
3. Extend the Title I Guidelines to include other subject areas.
4. Provide specific Guidelines for the Neglected and Delinquent Youth receiving services in correctional institutions.
5. Simplify the wording in the Guidelines to give meaning to the non-professional.
6. Continue the flow of Title I funds through the State educational systems.

Hopefully, these suggestions will be worthy of your consideration. If I can be of further assistance to you or your committee, please advise.

Yours very truly,

DEPARTMENT OF YOUTH SERVICES

Grady A. Decell, State Director

GAD:ETB:msv